

(1) a study demonstrating that noise or safety conditions, or both, resulting from helicopter operations pose a risk to the public health and welfare of a county or municipality with a population of more than 500,000; and

(2) a plan to reduce the risk documented by the study submitted under paragraph (1).

(b) REVIEW- Not more than 60 days after receipt of a plan and study submitted under subsection (a), the Administrator shall complete a review of such plan and make any modifications necessary to ensure that such plan is in accordance with section 3.

(c) PUBLIC COMMENT- Not more than 60 days after the Administrator has completed a review and, if necessary, modifications of a plan submitted under subsection (a)(2), or after development of a plan based upon independent study by the Administrator, the Administrator shall—

(1) issue public notice which includes a draft of the plan;

(2) make copies of the plan and the supporting study available at the appropriate regional offices of the Federal Aviation Administration; and

(3) allow 90 days for public comment on the plan.

(d) APPROVAL AND IMPLEMENTATION- Not less than 60 days after the expiration of the period for public comment provided under subsection (c)(3), Administrator shall implement a plan which—

(1) is in accordance with section 3; and

(2) takes into consideration any public comments on the plan.

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HNC p 76

# HELICOPTERS

Legislative Bill Drafting Commission  
11032-03-7

S.

SENATE

IN SENATE--Introduced by Sen

--read twice and ordered printed,  
and when printed to be committed  
to the Committee on

ASSEMBLY

A. 8276

IN ASSEMBLY--Introduced by M. of A.

--read once and referred to the  
Committee on

\*GENEMULA\*

(Imposes a penalty for landing a  
helicopter without a permit in  
cities with a population of one  
million or more)

Gen Mun. helicopter cert cities

AN ACT

to amend the general municipal law,  
in relation to imposing a penalty  
for landing a helicopter at a land-  
ing facility without a permit in  
cities with a population of one  
million or more

The People of the State of New  
York, represented in Senate and  
Assembly, do enact as follows:

HNC p77

## IN SENATE

Senate introducer's signature

The Senators whose names are circled below wish to join me in the sponsorship of this proposal

a27 Albee	a02 Lack	a29 Parnock
a33 Alisi	a39 Larkin	a36 Parnock
a42 Brulin	a01 LeValle	a60 Rath
a43 Bruno	a37 Leibel	a32 Romano
a25 Connor	a30 Leichter	a41 Seidman
a40 Cook	a08 Levy	a19 Sampson
a49 DeFrancisco	a51 Libous	a17 Sanuaga
a54 Dollinger	a15 Mahoney	a33 Sanbrook
a44 Farley	a05 Marcellino	a50 Seward
a23 Gonsale	a24 Marcho	a09 Seidman
a13 Gold	a20 Martowicz	a12 Smith
a31 Gonzalez	a61 Mazur	a35 Spano
a26 Goodman	a47 Meier	a58 Stachowicz
a06 Hanco	a28 Minodet	a45 Stelford
a48 Hoffmann	a18 Moringmery	a16 Stenvaly
a38 Holland	a57 Nandu	a03 Truitt
a04 Johnson	a53 Norzolo	a07 Tully
a21 Kruger	a14 Orfano	a34 Velez
a52 Kuhl	a36 Oppenheimer	a59 Velez
a22 Lachman	a11 Padavan	a10 Wallace
		a46 Wright

## IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the sponsorship of this proposal

a049 Abbate	a009 Finnegan	a114 Nantz
a001 Acampora	a090 Galef	a128 Oaks
a022 Alfano	a133 Gatti	a112 O'Neil
a142 Anderson	a039 Genova	a051 Ortiz
a074 Arroyo	a066 Gluck	a110 Orloff
a035 Aubrey	a064 Goffman	a019 O'Shea
a130 Bascilio	a065 Gonsolo	a150 Parnock
a017 Balboni	a057 Green	a038 Perry
a007 Barrage	a077 Greene	a023 Pfeiffer
a083 Bea	a040 Griffith	a138 Pilsner
a021 Becker	a092 Grossack	a046 Polonsky
a004 Benavise	a101 Guare	a107 Prosser
a055 Boyland	a098 Gunther	a084 Pruslow
a008 Boyle	a005 Harzenberg	a078 Ranzetta
a118 Brugman	a014 Herbst	a073 Ravitz
a044 Brennan	a048 Hukind	a147 Reynolds
a086 Brundley	a018 Hill	a076 Rivera
a121 Brown	a088 Hochberg	a134 Roback
a036 Butler, D	a144 Hoyt	a063 Sanders
a113 Butler, M	a042 Jacobs	a029 Scarborough
a094 Calhoun	a131 John	a140 Schumacher
a106 Canestro	a136 Johnson	a139 Seaman
a026 Carrozza	a028 Katz	a038 Semanero
a108 Casale	a082 Kaufman	a013 Sidelman
a119 Christensen	a145 Keane	a062 Silver
a033 Clark	a096 Karwan	a146 Smith
a093 Colman	a080 Klein	a087 Spence
a047 Colon	a135 Koon	a091 Stephens
a059 Connolly	a012 Labriola	a061 Strasser
a010 Conte	a034 Lafayette	a067 Strayer
a032 Cool	a050 Lemol	a069 Sullivan, E.C.
a122 Crouch	a109 Little	a117 Sullivan, F.T.
a030 Crowley	a053 Lopez	a011 Sweeney
a100 D'Andrea	a125 Luster	a103 Tedesco
a079 Davis	a111 Mager	a002 Thiele
a068 Deno	a120 Mahoney	a085 Teo
a116 DiMuto	a099 Manana	a143 Tekas
a075 Diaz	a089 Marasow	a105 Tenko
a016 DiNapoli	a027 Meyersohn	a054 Torres
a123 Dora	a003 Mazzarelli	a115 Townsend
a081 Duowitz	a104 McEnery	a056 Vano
a129 Doran	a149 McGee	a060 Vasilano
a004 Englebright	a025 McLaughlin	a124 Warner
a072 Espillat	a031 Meeks	a041 Wernstein
a141 Eve	a097 Miller	a020 Wernberg
a071 Farrell	a052 Millman	a024 Weprin
a102 Fano	a132 Morelle	a006 Wertz
a045 Feldman	a137 Nesbitt	a127 Winer
a015 Ferrara	a037 Nolan	a148 Wright
a126 Fessenden	a043 Norman	a070 Wright

1) Single house bill (introduced and printed separately in either or both houses) Sign cosponsors, circle names of co-sponsors and deliver to the introduction clerk of the house together with 4 copies of the introducer's memorandum.

2) Uni-bill (introduced simultaneously in both houses and printed as one bill) Senate and Assembly introducer sign 1 - same copy of the bill, circle the names of co-sponsors and return it to the introduction clerk of either house with the remaining copies and copies of the introducer's memorandum.

LBDC-2/24/97

1 Section 1. The general municipal law is amended by adding a new  
2 section 358 to read as follows:

3 § 358. Landing a helicopter at a landing facility without a permit in  
4 cities with a population of one million or more. The owner of a helicop-  
5 ter landing at a landing facility in a city with a population of one  
6 million or more that does not have a valid zoning special permit granted  
7 by the lawful authorities except in the case of emergencies or on offi-  
8 cial governmental business shall be guilty of a misdemeanor. The misde-  
9 meanor shall be punishable by a fine of ten thousand dollars.

10 § 2. This act shall take effect on the first day of November next  
11 succeeding the date on which it shall have become a law.

HNC p 78

# STATE OF NEW YORK

8276-B

1997-1998 Regular Sessions

## IN ASSEMBLY

June 11, 1997

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Grannis, Sanders, Glick) -- read once and referred to the Committee on Cities -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general municipal law, in relation to imposing a penalty for unlawful landing a helicopter at a landing facility without a permit

The People of the State of New York, represented in Senate and Assembly do enact as follows:

Section 1. The general municipal law is amended by adding a new section 358 to read as follows:

§ 358. Unlawful landing a helicopter at a landing facility without a permit. The owner of a helicopter landing at a landing facility where such facility does not have a valid zoning special permit which is required by a local uniform land use review procedure and granted by the local authorities except in the case of an emergency or on official governmental business shall be guilty of a misdemeanor. The misdemeanor shall be punishable by a fine of up to ten thousand dollars.

§ 2. This act shall take effect on the first day of November next succeeding the date on which it shall have become a law.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBO11322-06-7



HNC p 79

75411-5161

30 up -

→ WP

# STATE OF NEW YORK

2753--A

- On Assembly  
calendar 8/1/97

1997-1998 Regular Sessions

## IN ASSEMBLY

January 29, 1997

Introduced by M. of A. GLICK, GOTTFRIED -- Multi-Sponsored by -- M. of A. GENOVESI, GRANNIS, SANDERS, STRINGER -- read once and referred to the Committee on Cities -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general city law, in relation to landing deck for aircraft upon building

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Section 20 of the general city law is amended by adding  
2 two new subdivisions 24-a and 24-b to read as follows:  
3 24-a. To regulate any new construction and use of heliports, pursuant  
4 to all United States Department of Transportation Federal Aviation  
5 Administration rules and regulations. No heliport shall be constructed  
6 or operated without first obtaining a valid city permit for such  
7 construction and/or operation. No city shall permit the construction of  
8 a heliport located in a densely populated or congested area, except for  
9 emergency medical purposes. A city may permit, pursuant to subdivision  
10 twenty-four-b of this section, a heliport for emergency medical purposes  
11 to be used for any other public purposes deemed to be necessary to  
12 promote the public health and safety. For the purposes of this subdivi-  
13 sion, "densely populated or congested area" shall mean a city block in  
14 which more than seventy-five hundred persons reside or more than seven-  
15 ty-five hundred persons are employed. For the purposes of this subdivi-  
16 sion "heliport" shall mean the area of land, water, or structure used or  
17 intended to be used for the landing and takeoff of helicopters, together  
18 with appurtenant buildings and facilities used for the purposes of  
19 boarding and/or discharging passengers or cargo.  
20 24-b. A city permitting the use of a heliport in a densely populated  
21 or congested area for anything other than emergency medical purposes  
22 shall do so by resolution. Prior to adopting such resolution, a city  
23 shall hold one or more public hearings and such other meetings as it

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [ ] is old law to be omitted.

LB007056-02-7

- 1 *deems necessary to assure full opportunity for citizen participation in*  
2 *considering such resolution. A city permitting the use of a heliport for*  
3 *purposes other than that of a medical emergency shall maintain public*  
4 *records of the locations and uses of such heliports. Such records shall*  
5 *be made available for public review within reasonable business hours*  
6 *upon request at the appropriate city office.*  
7 § 2. This act shall take effect immediately. 9 HNC 80

1/6/98

Hon. Thomas K. Duane  
Council Member  
3rd District, Manhattan  
275 7th Avenue  
New York, NY 10001

L  
Selected  
Letters  
of  
Complaint

Dear Council Member Duane,

Thank you for the recent update on your activities.

While I applaud your efforts to install traffic signals on Washington Street, they should be permanent rather than temporary. As you say, the Far West Village has become much more residential in the past several years.

Further, please consider including Greenwich Street in your requests. Greenwich Street is no less residential, and no less congested with drivers eager to make time on a street with few traffic signals.

On another matter, I recently contacted Joy Held, of the Helicopter Noise Coalition of NYC. I had read of her in the newspaper and I wanted to talk about the recent increase in helicopter traffic in our neighborhood. She told me that helicopter traffic has been diverted from the Upper East Side to the West Side. *I cannot overstate how disruptive I find this to be*, especially early in the morning. When I moved to Greenwich Street 16 months ago it was nice and quiet. Then, without warning, there was significant helicopter traffic. It is especially disturbing to be woken at 5 or 6 AM by this sort of thing. At times there seems to be a flight every 2 or 3 minutes.

I truly hope there is some way to stop this traffic.

Thank you for your attention to these matters, and for all the good work you do.

Sincerely,

*MZ*

HNC p 81

Greenwich  
Village

lianni  
...ner

NYPD Commissioner Howard Safir

300  
W 89th St

Joy Held  
Helicopter Noise Coalition

November 30, 1997

Dear Joy,

I am writing to let you know that unfortunately I will not be able to attend the second Helicopter Master Plan hearing, again because I will be out of town.

I appreciated your last communication (congratulations for the letterhead and the new computerized look!). I totally agree with you that the way the city is handling the Master Plan development is a joke; your efforts to bring public input into the process are, as usual, incredible, and I only wish I could help myself as much as I would like to.

I do plan to try and write some of the politicians and functionaries you mentioned. Until I do, I thought you might find a brief report from the West Side front useful. So here goes: --

- Tourist flights have indeed changed course, in the most part. The results for my part of town are devastating -- It's even worse than before. Rather than fly over the Hudson River, sightseeing helicopters fly north directly over Riverside Drive (presumably on the way down they fly closer to the Jersey side.) I have a nasty feeling this change in course was the result of some behind-the-scene dealings by influential East Siders. Call it West Side paranoia -- I think it makes sense. At any event, it is a clear attempt to try and diffuse the argument that this is a city-wide problem. As you said in your memo, we know better.
- The morning commuter helicopter problem has also become worse (I think I mentioned it to you last time we spoke.) These helicopters too fly directly over Riverside Drive, they are even noisier than the sightseeing copters (I think they use jet helicopters), and they start vibrating the walls in my apartment as early as 6:15 in the morning.

I know you don't like interim goals and compromises -- neither do I -- but I think that at the very least, while the issue is not resolved, someone should insist that helicopters fly over the middle of the Hudson River, not over Riverside Drive or residential neighborhoods in Jersey. I suppose the same problem exists in the West Village and Tribeca.

Anyway, good luck tomorrow. I'll try to call you soon to catch up.

HNC p 82

ad raiser effort again -- how is that progressing?

Testimony to City Council Transportation and Environment Protection  
Committees Hearing, May 6, 1998

n of the Hudson River Branch of the Helicopter Noise  
ity and a resident of Chelsea.

I thank you for affording residents of New York City the opportunity to express our concerns about this noisy, dangerous, unregulated industry that has come to dominate our neighborhoods on the West Side from Battery Park to the Upper West Side and along the Jersey side of the Hudson as well.

The last two years have brought a transformation of my Chelsea neighborhood from one where we looked forward to the sound of seagulls and Seminary bells when we threw open our windows in the Spring to one where many dread that ritual this year.

Helicopters now dominate the scene.

The constant roar of tourist copters along the Hudson shoreline can only be described as being like standing next to a blast furnace all day, seven days a week. The copter industry and other interested parties claimed that the November, 1997, shift of all tourist copters to the Hudson was a success. We on the Hudson state emphatically that this move was not a success. We ask City Council seek some way to eliminate it entirely. There are many ways to bring in high-end tourist dollars without trampling the basic welfare of City residents.

Again, the Hudson River is not a successful solution to everyone's copter woes. We have been told by copter pilots that the Hudson is being referred to as "suicide alley" by many pilots. In addition, copters cannot stay out over the middle of the Hudson. They hug its shores and fly over our shore neighborhoods. The resultant effect on our neighborhoods is often referred to by residents as "Mekong Delta." The quality of life in our Hudson River neighborhoods is seriously deteriorating.

We have also developed a steady stream of corporate copters cruising in and out of W. 30th St port across Manhattan at any old altitude, their paths shifting slightly as neighborhoods complain. The effect of a large Sikorsky rumbling in or out of W. 30th St. port is to stop conversation, to pound eardrums, and shake windows and light fixtures. Imagine what many over the course of a day does to a neighborhood.

We have been informed by industry pilots that ports surrounded by water, ports on highways, ports subjected to windshear like that of the Hudson are dangerous. Both the state-owned W. 30th St. port and the large, state-of-the-art, city-owned port proposed for Pier 76 or 72 and within the future Hudson River Park are not safe, appropriate sites for ports. We ask City Council to protect West Side residents by blocking development of the Pier 72 or 76 sites and by pressuring the state to close the W. 30th St. Heliport.

Corporate heads and the City administration say we must have copters to keep business in the City and have come to view them as an entitlement. The same claim of necessity was made in 1970 when the FAA and the City administration began implementing plans to install floating STOL and VTOL ports off Manhattan, beginning in Chelsea/Clinton. To my knowledge, no thorough cost/benefits analysis of the helicopter industry has been done to prove their necessity. The FAA has spent our tax dollars doing a demand forecast study for the industry, but no study has been done that would help us decide as a city how much air traffic, helicopter or plane, the city needs and can bear.

But in that same year, 1970, the Federal D.O.T. completed a 5-yr. study of North Corridor travel that recommended the improvement of our train system as the best solution to the transportation problems and needs of the region. In that same year New York City's Environmental Protection Administration issued a release containing these observations:

It is not at all obvious that the singleminded attempt to favor air transportation at



the expense of railway improvements, for example, is in the best interests of the city. Before we begin throwing up STOLports, we must decide as a city how much air traffic the city needs and can bear, and whether existing facilities would be adequate if Kennedy, Newark and LaGuardia were not jammed with half-empty, overscheduled flights. (The Unmaking of a STOLport, 1970)

In that same struggle an official, Mr. Ransone admitted a STOLport would foreclose housing from 10th Ave. to the river and was quoted as saying, "we can't have the island of Manhattan one gigantic apartment." Twenty-eight years later faced with burgeoning helicopter traffic on the Hudson and the prospect of a new, large heliport on the piers, we say again, we need an assessment of transportation needs that will allow the city as a community to decide what it needs and can bear. We need legislation will allow us to set limits on the helicopter industry.

Safety must be addressed. Helicopters are not airplanes. They do not glide when a rotor fails. They drop. I ask the City Council to please address this aspect of the issue. As more and more copters take to our skies, as news copters hover for long periods filming our traffic conditions and sunsets, this concern becomes more and more urgent. Ask the industry what provisions have been made for a failed rotor over the city. We want to know how risk to our lives factors into the risk/benefits ratio.

Sightseeing has been banned over some areas of the Grand Canyon - an acknowledgement that helicopters significantly negatively impact our environment. Our neighborhoods are our Grand Canyon and we cannot tolerate this desecration of our most basic right to safety, privacy and a little enjoyment of our wonderful neighborhoods and parks.

We ask our City Council representatives to press for enactment of proposed legislation to regulate this industry and to press for a no-fly zone over New York City and along its shores. We ask City Council to pressure for the elimination of tourist copters and to address the problem of endlessly hovering, cruising news copters. We ask City Council to block new heliport development on the Hudson River and to press the Governor to close the W. 30th St. Port.

Cities all over are grappling with the problems created by this burgeoning, unregulated industry. We ask New York City Council to take the lead in addressing these issues.

on, NYC

HNC p 84

**Testimony to Community Board #2 Transportation Committee on March 25, 1997**

Brooklyn residents are here this evening to alert Community Board #2 to the ever-increasing, unbearable, non-stop helicopter noise over our neighbourhood and to the city-wide problem of escalating helicopter traffic. In addition to the necessary emergency helicopter flights of police, hospital and coast guard, there has been a proliferation of tourist, corporate, charter, TV news media and movie helicopter flights throughout New York City. It was only afterwards, in the midst of our distress, that we learned of the outcry from neighborhoods throughout New York City who were also tormented by helicopter noise and the related problems that helicopters bring. Together, residents of these neighborhoods founded the Helicopter Noise Coalition of New York City (HNC), which is affiliated with the National Helicopter Noise Coalition.

Helicopters are noisy machines that torment countless residents wherever they fly while destroying the character of neighborhoods, polluting the air and posing a significant risk to public safety. Neither the Federal Aviation Administration (F.A.A.), the Eastern Region Helicopter Council (a professional organization for helicopter pilots), other federal, state, city agencies, and certainly not the helicopter industry itself, adequately regulate helicopter traffic. For instance, the F.A.A. has indicated that it is not able to identify all the helicopters that are flying over our neighborhoods and families, or even accurately count their numbers.. One can only be alarmed that helicopter traffic in the New York City area appears to be escalating out of control.

The membership of the HNC has swelled dramatically in the short period of time it has been in existence and currently represents people in neighborhoods in the boroughs of Brooklyn, Manhattan and Queens. There has been increasing media coverage, and in the last 6 months, many articles regarding the problems associated with helicopters have appeared in the NY Times and in several Brooklyn community papers. In fact, this past Sunday the NY Times printed an article highlighting the fact that there is strong community opposition to the proposal to build a helicopter repair facility in the Brooklyn Navy Yard.

Meetings have already been held with Brooklyn representatives Congressman Ed Towns and Councilman Ken Fisher, as well with representatives from the Office of Manhattan Borough President Ruth Messinger. A borough board meeting regarding the problems posed by helicopter noise is scheduled to take place at the Borough Hall office of Brooklyn Borough President Howard Golden at 209 Joralemon Street on Tuesday, April 15th at 6:00 p.m. in the Community Conference Room. Our hope is that many of you here and others in the Community Board #2 District will attend and take this opportunity to voice your concern..

The way the F.A.A. and the helicopter industry has dealt with helicopter related community complaints in the past was to appease one neighborhood only to shift helicopter traffic, with all its attendant problems, to other neighborhoods. That is exactly what happened recently when

HNC p 85

(continued)

the Manhattan Helicopter Task Force, in conjunction with industry and the F.A.A., "successfully" altered sightseeing tour routes only to disrupt other Manhattan neighborhoods. That is why it is so important that all affected New York City residents in all neighborhoods and boroughs make our concerns heard by our representatives with one voice. That is why we are here tonight and plan to go to other affected community board districts. And that is why we ask you to join us in our fight to reclaim our neighborhoods.

It is common knowledge that the New York City airspace is one of the most crowded in the world and that New York City itself is one of the most densely populated cities. It is a blatant disregard for the well-being and quality of life of New York City residents that a few people are allowed to benefit from all the non-emergency helicopter traffic while the lives of so many New Yorkers are diminished and put at risk.

Unless we band together to make our voices heard now, the character of our communities will be ruined by the proliferation of helicopter traffic, coming from all directions, every day of the week and at all hours of the day and night. The noise, air pollution and risk to the safety and well-being of New York City residents caused by helicopter traffic has already reached intolerable levels. And as one can see from the proposal to place a helicopter repair facility in the Brooklyn Navy Yard, it will only get worse unless citizens throughout the neighborhoods of New York City take action now.

Brooklyn

oise Coalition of NY City  
klyn, NY 11201

HNC P 86



NC

NOMIC CONSULTING

39 West 67th Street, #204  
New York, NY 10023

Attendees at the March 4, 1997 Meeting

I regret that my business prevents me from attending this meeting. I URGE THE COMMUNITY BOARD 7 TO PASS THE RESOLUTION OF THE TRANSPORTATION COMMITTEE TO BAN TOURIST HELICOPTER FLIGHTS OVER THE COMMUNITY BOARD 7 DISTRICT

Also, I joined the Coalition to Reclaim our Peace and Quiet, a predecessor to the Coalition, in response to the harmful and obnoxious noise from helicopters that has plagued our Upper West Side neighborhoods for at least three years.

I am frankly appalled that there is virtually no regulation of helicopter traffic over the most densely populated area of the country and what regulations or voluntary agreements that exist can be broken with ease and impunity.

The helicopter noise over many neighborhoods in the Upper West Side is awful, with noisy aircraft passing over every few minutes for a good part of the day. Often two or more helicopters will be heard at the same time.

The "quiet" areas of Central Park, such as Strawberry Fields, the Shakespeare Garden and the Sheep Meadow, are a joke. What good does prohibiting the use of boom boxes do, if these areas sound like a war zone because of helicopter noise?

I recently spent ten days in Paris, France, walking around the city for hours each day and only heard one helicopter (over City hall) the entire time I was there. Obviously, the city of Paris does not allow this degradation to its quality of life.

Residents of the Upper West Side have been subjected to disturbing helicopter noise for at least three years. Unless something is done to stop this, I believe recourse to legal channels is appropriate. All non-essential flights should be banned from flying over Manhattan, specifically this means tourist helicopters, but the definition of "non-essential" should be expanded to include some other helicopter and small aircraft flights as well. Any non-essential aircraft that results in annoying noise levels should be prohibited from flying over the most densely populated residential areas of the country, such as Manhattan's Upper West Side.

HNc p 87



Lower East Side  
of  
Manhattan

force statement 2/18/97

Apartment located at  
on the 21st floor  
Brooklyn.

Before Oct/1996 I gave only occasional thought to helicopters and their noise. Their flyovers were noisy but infrequent so I tolerated it. All of that has changed drastically due to the rerouting of air traffic over the east river. The resulting effect is almost like someone picked up my apt and moved it to an airport. There is now hardly any time that we do not hear a helicopter flying by disturbing us, and rattling our windows.

Some following points:

- The location of my coop just below the Williamsburg bridge puts it on a path directly in line with the Wall street heliport and the result is helicopter traffic cutting over land to head south and north. These helicopters are so noisy that it matters little where they fly.
- Despite low level industrial zoning across the river from me, flights are over high-rise residential buildings on the city side.
- Despite having triple pane windows installed we are awakened in the morning by helicopters between the hours of 6 and 9 am.
- This noise continues all day into night until well after 9pm at night.
- This noise is constant on weekends and holidays with as many as one flight every two minutes
- Some helicopters are much noisier than others. Nationals lumbering giants are particularly loud and obnoxious.
- The city's waterfront parks were an oasis that its residents could use as a place to go as a refuge in the stressful noisy city. Rerouting of all the helicopter traffic to this area destroys that refuge. It returns us to the days when NYC's waterfronts were the worst part of our city.
- The tourist helicopters seem to be a key part of what is taking this overall problem to the breaking point. I think that NYC should realize that any benefits this industry has provided the city are outweighed by the problems that are created to its citizens.

This is an issue which has reached critical mass. Like any natural resource, helicopter air traffic must be properly managed. As a center of business and commerce NYC obviously must be able to meet the needs of its businesses. But NYC must also meet the needs of its residents. We must decide what type of city we want to live in. Just because someone can afford a helicopter, does that mean they can disrupt the quiet enjoyment of New Yorkers? How would the owners of these Helicopter companies react if a noisy junk yard would suddenly open up right next door to their suburban home, causing them to lose sleep? Perhaps this is an extreme example, yet it illustrates the dilemma I now find myself in. Do I move? Will the city pay for me to relocate? The current situation is Unacceptable.

In conclusion: I see little benefit in moving heliports to new locations if the frequency of noisy flyovers does not decrease. If we must have aircraft noise why concentrate all of that noise in one location with the end result being total quiet in one place and total mayhem in the next neighborhood? Please work to create a solution to this problem respects the citizens who choose to live in NYC. Thank you.

HNC p 88

Jan 24, 97

Sorry I can't make the meeting, and spend time with other individuals dealing with the same noise intrusion we on the west side have faced.

It appears the city has made some half-hearted efforts to placate some of us, but what they've really done has just moved the problem to another neighborhood, hoping these people will be less vocal. I think its time we let them know - that's not the case.

Noise pollution affects all of us as residents of the city, and is certainly a quality of life issue for all of us. We deal with it every day at ground level, and many of us also deal with airborne noise from La Guardia airport, now to add a third layer to that with helicopters is taking it too far, and is another step downward in the quality we are willing to accept as city residents.

We are all basically in the same boat. This is our city, we reside here, we vote here, we pay taxes for the privilege of living here, and in return we have the right to expect consideration from our elected officials; and I believe that should be greater consideration than the given to the helicopter operators who may not even reside within the city - yes they do pay taxes and want for the right to operate, but I'm quite certain those affected by their noise pay far more into the city coffers on an annual basis and will still be contributing long after the helicopters have departed. HNC p 89

I suspect the city's perspective on this is one of shortsightedness, coupled with an attitude that we'll all eventually stop complaining and just accept the inevitable - helicopter noise.

We need to send a message to our elected officials that that's not the case, we aren't going away, we are going to keep beating on their door until they hear us and respond.

Less Propeller noise

**HELICOPTER ALERT!**  
**COMMUNITY BOARD 4 FULL BOARD HEARING**  
**ON WEST SIDE HELICOPTERS AND HELIPORT DEVELOPMENT**

WED., APRIL 1, 6 P.M., Hudson Guild Fulton Senior Center,  
119 9th Ave. (bet. 17th and 18th Sts.)

For information, call the Hudson River Branch  
of the Helicopter Noise Coalition

The Hudson River Branch of the Helicopter Noise Coalition of New York City has been formed to address the problems of increasing noise and risk from a dramatic increase in helicopter traffic in our Hudson River neighborhoods in the last several years and in reaction to the threat to our peace and safety that we see in the administration's proposed plans to expand helicopter use in NYC and build a new West Side heliport on the Piers (72 or 76). The full-board hearing mentioned above has been called to address the issues.

The expansion of low-altitude air traffic over the city, and especially of helicopters whose flights are unregulated, presents a great danger and a constant, destructive, noisy interruption of the work and peace and quiet of tens of thousands of New Yorkers. Their low altitude, congestion and crossing flight paths make a serious accident over the city a statistical certainty. Because of this congestion, some copter pilots call the Hudson "suicide alley" and are avoiding that congestion by flying low over our homes, places of work, and parks. A new heliport on the piers will not confine helicopter activity to the middle of the river as claimed. Copters must travel along the shoreline if they use the river and cross-town commuter flight patterns are already a reality. At \$600/hr. pilots are not willing to add precious minutes to circumvent our NYC neighborhoods.

The roar of tourist copters up the shoreline of the Hudson, the ever-increasing number of large commuter copters rumbling out from the W. 30th St. Port across Manhattan and the heavy cross-town traffic suffered by residents north of 89th St. should be a wake up call to all of us in the vicinity of the proposed site for a new heliport in Chelsea/Clinton/Hell's Kitchen.

Community Board 4 currently has on its books two resolutions to "not oppose" a new port on the Piers. The city admits the surrounding neighborhoods will be impacted. We feel the community board must give priority to our safety and basic quality of life in our neighborhoods. Once this port is built, because of the federal primacy on its regulation, our community will have no ability to affect anything.

As one West Villager said, "It's beginning to sound like the Mekong Delta on clear days." The city's 20-yr. Helicopter Master Plan will be released in April. Now is the time to pressure our community board to change its position to one that opposes port development on the Hudson and for residents of Chelsea/Clinton/Hell's Kitchen to write the officials below to tell them no heliport on the Hudson and no helicopter flights over and along the shores of NYC. As hard working, tax paying residents of New York City we deserve our basic right to safety and the enjoyment of a little peace and quiet in our neighborhoods.

For more information, call us

HNC p. 91

HNC  
p 91



Mayor Rudolph Giuliani  
City Hall  
New York, NY 10007

6 Aug., 1997

Dear Mayor Giuliani:

Please do not forward this letter to the FAA; they are not interested in the welfare or even safety of New York City residents.

Loud, low-flying, frequent, privacy invading, unregulated, unsafe (mostly sight-seeing) helicopters are making my life on west 92nd street unbearable.

Last night, between 5:01pm and 5:37 when it started to rain and hail, ten sight-seeing helicopters interrupted my effort at a little quiet time with my family. It is like that every evening and all day Saturday and Sunday.

Since last September, when Boro President Ruth Messinger's office made some "agreement" with the sight-seeing companies, all flights go over the middle of the Central Park Reservoir and right over my head! Every sight-seeing flight! Did they not know tax-payers and voters lived above Tavern on the Green?

In April, two weeks after a fatality on an executive helicopter, you said you would reduce non-essential flights. It has not happened over west 92nd street.

There seem to be no laws; no rules; and we have no rights!

Fifteen helicopters an hour over my head make conversation, work, sleep all impossible.

What can be done?

Manhattan  
Upper West  
Side

3  
1

HNC p 92

VEST NEW YORK, NEW YORK 10025

West 80%

024

We on W. 86 St. are the current victims of the helicopter route changes formulated by Ruth Messinger's Helicopter Task Force. The route is directly over my home. I hear the endless noise in every room of my apartment. There is no escape.

We urge the Transportation of Committee Board #8 to pass a resolution banning all non-essential helicopters from flying over this crowded, over-populated city. Such a resolution will add <sup>and waterways</sup> immense weight to the growing clamor to rid the city of noise pollution, deadly emissions pollution and the dangers posed by the numerous heli ports and the dangers from hundreds of thousands of helicopter flights over the city.

HNC p 93

11/3/97

Mayor Rudolph Giuliani  
CITY HALL  
New York, NY 10007

Dear Mayor Giuliani,

Just a note to complain about the new helicopter noise in my neighborhood hoping you can help to end it.


I have been living peacefully in Stuyvesant Town since 1981. My apartment has been my haven from my crazed life in advertising - where there is always noise. I had a unique quality of quiet. I felt like I was living in the country, it was so serene.

About two months ago, the helicopter noise started. There is a constant whirl, 24 hours a day, seven days a week. It is driving me crazy. I actually have to turn up my stereo because I can't hear Frank Sinatra crooning above the noise.

I have always lived in New York, and love the life, but I want my peace back.

Please help rid the city of this helicopter problem.

Most Sincerely,

Manhattan   
E. 14th St.

HNC p 94

Sept. 9, 1997

Mayor Rudolph Giuliani  
City Hall  
New York, NY 10007

Dear Mayor Giuliani:

The level of helicopter noise in Manhattan is appalling and completely intolerable, every five minutes from morning until midnight. It is unacceptable and must be stopped.

I heard with alarm and disbelief that there is a plan to increase the number of flights. That is an outrage. The goal must be reduction and actual elimination except for police and emergency flights.

But 80's greed has returned. Corporate executives demand helicopter service to airports, tourists must be wooed with aerial views, all at the expense of the millions of New Yorkers who must live under a sky-full of buzzing blades day and night.

London does not allow helicopters over the city yet executives manage to get to Heathrow and tourists get their city views from double decker buses.

You point to quality of life issues, elimination of turnstile jumpers and squeegee cleaners. How many people have these actually affected?

If the politicians and business community do not eliminate helicopter mania, they will have accomplished something I never thought would happen. As a native New Yorker and senior citizen, you are forcing me to leave New York and take my tax dollars elsewhere.

Mayor Giuliani - offer us a real quality of life issue - a little serenity. We'll be grateful in November.

Sincerely,

HNC p95

Manhattan

East 79 St.

et

April 17, 1997

Ms. Joy A. Held, Executive Director  
Helicopter Noise Coalition of NYC  
414 East 65th Street - Apt. 6J  
New York, New York 10021-7144

Dear Ms. Held:

Could you also please add to your list of helicopter "no-fly zones" our city's Central Park?

We hear the racket they make at all times of the day and evening, and constantly on the weekends. They fly very low over the park (which is supposed to be our city's quiet haven), and often stay in one position for very long periods of time. (We clocked a 10-minute stay one morning this week; it was very early in the morning, an unlikely time for sightseers.)

Until we received your flyer at the Mayor's Town Hall Meeting --- he's wonderful, by the way --- it didn't occur to any of us that these flights might be sightseeing tours. We blamed, and perhaps unfairly, the TV news helicopters, which fly back and forth reporting on highway traffic, fires, weather, and the like. But, of course, these could just be an added nuisance to the general noise pollution existing in the skies above us.

Thank you.

An Upper Westsider

HNC p 96

CAROLYN B. MALONEY  
14TH DISTRICT, NEW YORK

2430 RAYBURN BUILDING  
WASHINGTON, DC 20515-3214  
(202) 225-7944

COMMITTEES  
BANKING AND FINANCIAL  
SERVICES

GOVERNMENT REFORM

JOINT ECONOMIC COMMITTEE



# Congress of the United States

House of Representatives

Washington, DC 20515-3214

July 12, 2000

Ms. Arlene B. Feldman  
Regional Administrator  
Federal Aviation Administration  
John F. Kennedy International Airport  
Jamaica, NY 11430

Dear Ms. Feldman:

I am writing on behalf of Barbara Brookhart, who resides in the 14th Congressional District, which I represent. Ms. Brookhart contacted me regarding unnecessary helicopter flights over Bryant Park.

As stated in the enclosed correspondence, Ms. Brookhart contacted me in response to a Daily News article, enclosed, which describes the helicopter competition, between ABC and NBC news helicopters, that took place late in June over Bryant Park. Ms. Brookhart is concerned with the amount of noise pollution and the quality of life disturbance resulting from unnecessary flights in the area.

At this time, I request that Ms. Brookhart's concerns receive prompt review and every possible consideration, consistent with all applicable rules and regulations. Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact Phil Craft in my district office at (212) 860-0606.

Sincerely,

CAROLYN B. MALONEY  
Member of Congress

CBM/lc

cc: Barbara Brookhart

Please Reply To:  
1651 Third Avenue, Suite 311  
New York, NY 10128-3679

HNC p 97

☐ DISTRICT OFFICE  
1651 THIRD AVENUE  
SUITE 311  
NEW YORK, NY 10128  
(212) 860-0606

☐ 28-11 ASTORIA BOULEVARD  
ASTORIA, NY 11102  
(718) 932-1804

STATEMENT

of the HELICOPTER TASK FORCE

Ruth Mess  
1 Centre S

1

Thank you for this opportunity to express my displeasure over the helicopter noise over Manhattan. I have lived on West 72<sup>nd</sup> St for over 20 years and over the past year I have noticed a tremendous increase in helicopter traffic. I had to flee the city Thanksgiving morning because of the helicopter noise over the parade route which work me up at 6:30 am. Thanksgiving is no longer the quiet peaceful holiday it used to be, presumably so TV viewers can have an aerial view of the parade. I also leave the city during the NYC Marathon because of the mass of helicopter noise following the runners which sounds like we are under assault. Also what I thought would be a quiet walk through Central Park the night of the Christmas Tree Lighting ceremony was marred by a helicopter hovering over Rockefeller Center. I am a computer programmer working from home and helicopter noise is a disruptive factor both day and night, whether from sightseeing helicopters, news and traffic helicopters, whatever. Dumping the noise from sightseeing choppers onto residents who live above 86th Street is totally unfair and is not the solution. Why should they be forced to endure the intolerable noise invading their homes continually? I am very grateful that I do NOT live on 86th Street, and I cannot imagine how they can live with this MISERY. We already must endure the assault on our senses from the car alarms, the blaring boom boxes, the screeching subway trains, the traffic noise, drivers who lean on their car horns, police and fire sirens, ENOUGH ALREADY! Why add unnecessary helicopter noise to the mix. It's the most insufferable noise disturbing our peace today. Can't we get rid of the unnecessary helicopter noise so we can enjoy our homes and our beloved city in peace?

Thanks for you help.

Manhattan

W 72 St

HNC p 98

December 5, 1997

Community Board No. 6  
Borough of Manhattan  
330 East 26th Street  
New York, NY 10010

Dear Members of the Board:

We have a big problem in Murray Hill with helicopter noise: As tourist helicopters no longer fly in this area (due to the company having gone bankrupt), and given the fact the flyovers and hovering occur in the early morning, we know the "problem" is caused by helicopters used by TV stations and other media. Just this morning, I was awakened and literally knocked out of my bed at 5:55am by the roar of a media-owned helicopter, that then proceeded to hover over my top-floor apartment. Every day this week this has happened! If these helicopters just flew over, one might be able to go back to sleep; but they hover for between 15 and 30 minutes, except for today when three(3) helicopters were deployed at the same time over the neighborhood for three hours! Not even earplugs can blot out their intolerable noise.

My job hours make me work late. Consequently I don't get up until 7:30am or so. My inability to get a night's sleep adversely affects my daily work, and makes it harder in a very fundamental way for me to earn a living. There is nothing worse than sleep deprivation and its affect on your life.

I have lived on 36th Street since 1981, and the helicopter noise which currently renders my apartment uninhabitable at times has occurred only in the last five years, and has been intolerable in the last twelve months. I've read in the Times TV stations are investing in new larger helicopters: Presumably these are to be used during the full news broadcast slots as quasi-stationary aerial offices. It is of the gravest additional concern, given the half-dozen helicopter crashes in the City in the last decade, that we will be spared aerial disasters in the future. These helicopters fly at an altitude lower than the top of the Empire State Building: This is dangerous, and the City, forewarned, may have a degree of legal responsibility when the next crash happens.

In conclusion, these media-owned helicopters must be prohibited, both for environmental and well as for safety reasons.

Very truly yours,

HNC p 99

Manhattan  
E. 36 St

bcc Jay Heed.



April 14, 1997

Dear Judy McCain:

I cannot attend the 4/24 meeting on helicopter regulations but am submitting this testimony instead.

I sat down at 6:45am today to write you before I went to work. It was too noisy to write! A Channel 7 helicopter was situated at 86 St and CPW and its noise was unbearably loud here at 92 St.

Because it is a sunny day, we are still being disturbed - this time tourist flights over Central Park - at 10am.

Why must our quiet be shattered from dawn till late at night by helicopters? Isn't there enough noise in the city already?

How safe are any of these helicopters? The FAA seems to acknowledge little responsibility over their flights. These aircraft are all over the park, often within a few feet of each other and within less than a minute apart. Urge the Borough President to press the FAA to regulate helicopter traffic. We need no tourist flights and no television flights over New York City. Please help to make our city a less dangerous, less noisy urban area.

Sincerely, /

NEW YORK, NEW YORK 10025

Manhattan  
Central Park  
Upper West Side  
West

HNC  
P100

For your which is not a summary please.

Al/Group  
Sub

~~Manhattan~~  
Manhattan  
East 30's

later  
plan

Dear *Charmen / Community Board #6*

May 16, 1997

RE : Helicopter Noise

At least twice a week, from sound sleep I am awakened by helicopters. On Saturday, May 10th, one helicopter kept flying around and around the Empire State Building, and then the Chrysler Building. My apartment is inbetween both buildings. Monday morning at 6:00am, one helicopter hovered overhead for a good while making sleep impossible: It was probably owned by one of the TV stations. Living on the 5th and top floor of a brownstone, the noise made is never passing or brief: The enduring droning is torture. It is also possible to hear the more distant but disturbing noise of the 34th street heliport.

- > I understand restrictions have been placed on tourist helicopters? What's being done to enforce it?
- > What good is it to those of us who may still want to be asleep at 5 or 6am if the TV station helicopters are not also grounded?
- > In the last eight years, an equal number of helicopters have crashed over New York City. The next crash may well be one similar to the fatal one on top of the (former) PanAm building a few years back!

New York City is noisy enough. Allowing helicopters makes it yet noisier and impinges on the inhabitant's (and voter's) rights to quiet enjoyment of their homes.

Very truly yours,

HNC p 101

C

2  
CEIVED

MAY 21 1997

COMM. DIV. OF MAN

June 2, 1997

401 East 34 Th. street  
New York, NY  
10016  
212-916-2239 days  
212-686-2445 nights

The Honorable Rudolph W. Giuliani  
Mayor Of the City of New York  
City Hall  
New York, NY

Mr. Mayor

I am a resident of the Rivergate Apts at 401 E 34 street diagonally across from the East Side Heliport which is the reason for this letter. I cannot <sup>begin</sup> to express the pain and suffering one goes through in having to endure the ear splitting sounds of a helicopter landing or taking off in the immediate vicinity of their home. It is impossible to conduct any conversation during these events. The simple act of trying to watch TV or listening to the radio becomes a contest of wills between you and the helicopters. The landings and takeoffs are not random events. They are occurring throughout the day on a regularly scheduled basis. They begin at 7 am in the morning, which is how we wake up and they continue throughout the day until 10 PM.

Last year I attended a meeting of the city council which was considering the license renewal application for the heliport. I was embarrassed to share my story of constant discomfort with noise pollution (which I eventually did) after hearing the testimony of doctors and nurses from the NYU Medical center directly across the street from the heliport. The gaseous fumes, the constant noise all of which must be endured by people sick enough to be in a hospital to begin with. How could we have issued a license to a heliport that is direct across from a hospital in the first place? Is there a limit to what we will do for additional city revenues?

The City Council took a compromise position to reduce the number of flights and eventually force the corporation to move the flights to the West side heliport which does not have residential areas in the vicinity. This position was reversed by a higher court unfortunately. The net result is that no progress has been made. The decision to issue the license was not made under your leadership but the renewal of that license was. We need your support to end the practice of helicopter flights over residential areas. I have now had to resort to joining a major class action suit addressing the nuisance law with the New York State Supreme court.

- over - HNC p 102

(2)

I have watched you make things happen when your mind is set on what is right for the people in New York. I watched your behavior with the Board of Education's bureaucracy, I watched you with the corruption at the Fulton fish market and the St. Gennaro's festival. I know what you can do when you set your mind to it. I and many other residents of this area, are asking you to help us now. We cannot continue to endure the unbearable noise and disruption to the peace and quiet we seek in our every day lives. Please come to the area and listen to the noise and then ask yourself, "Could I live under these conditions if the heliport were located across the street from Gacie Mansion?". Please help us.

\ Yours truly,

0

HNC p 103

September 30, 1997

Mayor R. Giuliani  
City Hall  
New York, NY 10007

Dear Mayor Giuliani,

I have lived at 401 E. 34<sup>th</sup> Street, Apt. S-9E for three years. The noise and fumes from the East 34<sup>th</sup> Street heliport have made my continued residence there impossible, forcing me to move at the end of October.

All heliports in Manhattan must be closed to protect city residents. I also urge you to do the following:

- press the FAA for a helicopter no-fly zone over city land and waterways
- work with the media to pool and eventually eliminate news coverage by helicopter.

Thank you for your anticipated cooperation.

Sincerely,

HNC p104

copy for Jay Hwa

Roosevelt  
Island

gh  
0

New York, NY 10044  
212.308.1366

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June 11, 1997

The Hon. Mayor Giuliani  
City Hall  
New York NY 10007

Dear Mayor Giuliani,

Like all of my neighbors here on Roosevelt Island I breathed a sigh of relief when I heard that you had closed down the helicopter airport at 60th Street and the East River. It took an accident in which two persons lost their lives, alas, but finally you realized what a hazard and nuisance that heliport is.

Now, much to our horror and disgust, it is business as usual at the heliport and those pesky helicopters are filling our air with unbearable noise again! What happened? Can you not enforce your decision to close the heliport down? You have been able to improve the quality of life on Manhattan island, but we are part of the borough of Manhattan too. And we have suffered long enough.

**Please end the torture we suffer every time one of those helicopters takes off or lands.**

Sincerely,

*Signed*

HWC P105

November 12, 1997

Jane Garver  
FAA  
800 Independence Avenue SE  
Washington, D.C. 20591

Dear Madam,

I am a resident of New York City. I live in an apartment on East 63rd Street and York Avenue and all of my windows overlook the East 60th Street heliport. I live with my husband and baby daughter. Both my husband and I are physicians at the nearby Memorial Sloan-Kettering Cancer Center.

We are constantly plagued by the almost incessant noise and disturbance ( rattling of windows and furniture) of the helicopters that fly and hover just outside my window. Many times throughout the day there will be 4 or even 5 helicopters whirling. The situation is such that normal conversation must be suspended, telephone conversations (often to the hospital) cannot be heard, music is drowned out and it is even impossible to hear the cries of my daughter if she is in need. This has reached an unhealthy and frightening level. In fact, I witnessed from my window, the recent horrific crash into the East River that resulted in a death. It was terribly disturbing to watch bodies pulled from wreckage in the water as I was preparing dinner for my family. Even more disturbing was the thought that the crash could have involved my building, resulting in far more destruction.

I urge you to use all of your power, influence and authority to put an end to this untenable situation and see to the closure of this heliport for all but emergency use. It is not necessary to be continually assaulted by this noise level, it is unhealthy and it is dangerous. I chose to live within New York City because I believe it is vital to the survival of our cities that people like my family strive to make them human and inhabitable. Our officials must do the same and end this abusive intrusion on our lives.

Sincerely yours,

HNC p106

Testimony to City Council Aircraft Hearing May 6, 1998

1

I'm <sup>Long Island City</sup>  
People call : <sup>Queens</sup> Gump would add,  
I live in Long  
Island City. In the Historic District known as Hunters  
Point and in a land-marked block, about 4 blocks from  
the East River. That oasis has helicopters overhead a  
good part of the day. Sometimes at night. In warm  
weather, with the windows open, when I'm talking on  
the telephone often I have to tell the party on the  
other end of the line "hold it -- I've got a  
helicopter" because I can't hear anything but the  
chopper.

It is a little better nowadays which I guess is  
due to the closing of the East 60th heliport. But is  
that closure permanent, I ask.

Last summer I happened to have my camcorder with  
me when I was sitting in my backyard garden -- and I  
heard and saw a helicopter flying very low past the  
51-story Citibank tower one block away. I tried to  
film it but was too late. However, the pilot decided  
to do the stunt again and it was captured on film.  
Thanks to the pause button I can tell you that the  
chopper was flying very close to the level of the  
building's 26th floor. The film bears the date and  
the time. A call to the FAA office on Long Island was  
pointless. I was told they do not keep logs of  
helicopter flights. On another occasion I filmed a  
hovering helicopter over my house for seven minutes.  
But that also would be of no concern to the FAA.

HWC p107



I worked in Europe for 37 years as a journalist. I visited almost every major city, either on assignment or for pleasure, in Western Europe and in Eastern Europe, as well as the countries on the northern and southern shores of the Mediterranean. I don't recall ever having heard or seen a helicopter overhead in those cities, other than a clearly-marked Police chopper. The reason for the absence of helicopters over those cities -- and remember that the helicopter was invented in Europe -- is easily explained. There were no heliports in the heart of those cities. Heliports were simply an adjunct or annex of the city's main airports -- and those airports would be located 20 - 30 - 40 miles from the urban center. Shut down all heliports within New York City and the problem before us today will vanish. Thank you.

HNC P. 107'12

Brooklyn

March 17, 1997

Kenneth K. Fisher  
Council Member  
New York City Council  
33rd District, Brooklyn  
Sixteen Court Street, Room 1505  
Brooklyn, NY 11241

Dear Councilman Fisher:

I am extremely concerned about your position in support of a helicopter repair facility in the Brooklyn Navy Yards.

I spoke with John Talmage in your office today to express my opposition to these plans and he assured me that this proposal would not drive incremental helicopter traffic over Brooklyn Heights. He told me that the facility owner would need to agree to have helicopters avoid the Heights in their paths to and from the facility.

Given the lack of FAA regulations on helicopter traffic and the Eastern Region Helicopter Council's inability to influence pilots to "fly neighborly", I am unconvinced that such an agreement would ever come about or be enforceable. In addition, this proposed agreement does nothing to ensure that neighboring communities will remain unaffected.

The residents of Brooklyn Heights have been very clear with your office about the profound impact that helicopter noise is having on the quality of our lives. We look to you and other elected officials to help us find a timely solution. A helicopter repair facility in Brooklyn will not be part of that solution -- it will become part of the problem.

I urge you to reconsider your position and withdraw your support of this helicopter repair facility now.

Sincerely,

HNC p108

ition of New York City

pter Noise Coalition of New York City  
President Howard Golden  
iliani

THE PENINSULA  
NEW YORK



EXECUTIVE OFFICE

M.  
Sample  
Hotel  
Letter

January 21, 1997

Ms. [REDACTED]

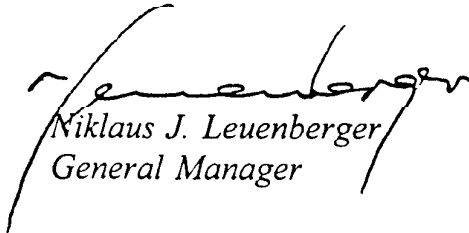
Dear Ms. [REDACTED]

Thank you for your informative letter of January 16th regarding the tour helicopters. We do understand the inconveniences caused and are pleased to inform you that we have actively stopped promoting these tours.

We wish you continued success with your campaign.

Yours sincerely,

THE PENINSULA NEW YORK

  
Niklaus J. Leuenberger  
General Manager

NJL:a

HNC p109

# NEEDLESS NOISE

N  
"Needless  
Noise"  
Summary

*The Negative Impacts of Helicopter Traffic in New York City and the  
Tri-State Region*

Carolyn Cunningham  
*Author*

Richard Kassel  
*Project Director*

Natural Resources Defense Council / December 1999

HNC P110

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HWC P111

## EXECUTIVE SUMMARY

Helicopters are increasingly a frequent—and noisy—part of the sky-scape around New York City and its suburbs, as well as in many other metropolitan areas around the nation. Over the past year, NRDC gathered helicopter information data from sources at the FAA, EPA and other government agencies; the helicopter industry; airport and heliport managers; and citizen

noise groups that have formed in reaction to helicopter noise. Given the growth in numbers of helicopters nationally and their increased impact in certain local areas of the country, especially the New York City area, this study focuses specifically on helicopter environmental impacts we found to be most significant and measures to mitigate these impacts.

*NRDC found that helicopter noise—and to a lesser extent ground level air emissions—has a negative environmental impact in certain local areas experiencing frequent helicopter flights.*

NRDC found that helicopter noise negatively impacts areas that experience frequent helicopter flights. Previous NRDC studies had determined that airport and aircraft environmental impacts are currently inadequately regulated. In this study, we found that helicopter impacts are even more inadequately regulated than other fixed-wing aircraft. Among the leading areas of inadequate regulation: the absence of minimum flight altitudes or required flight paths in most places. In addition, helicopter engines have no air emission standards so their emissions go unabated and uncontrolled.

NRDC recognizes and supports the critical safety concerns and requirements of the FAA, airports, helicopter operators, and the public. Those concerns and requirements have been taken into account in our recommendations. Nothing we recommend would compromise the safety of helicopter flight.

---

### NRDC Findings:

#### Helicopter Growth

The United States has by far the largest civil helicopter fleet of any country in the world. There are more than 11,000 civil helicopters in the United States, more than triple the amount that were registered in 1970. During this period, helicopter air tours within the U.S. have also increased significantly; in 1996, almost one million tourists took such tours.

Detailed data on the number of helicopter flights in particular areas of the country are difficult to obtain, because the FAA does not maintain databases on regional and local

HNC p. 112

helicopter operations. Further, many corporate and other private helicopters operate from private helipads, without providing any flight data for the public record. This lack of government data makes the adequate assessment of helicopter impacts difficult - and likely leads to the under-estimate of such impacts.

New York City is one city that records the helicopter operations at its heliports and airports. Helicopter operations at the city's four heliports in 1990 numbered 160,000 per year and stayed above 140,000 until 1997, making New York City the most heavily helicopter-trafficked area of the country. Many of these flights impact the suburban areas of New York, New Jersey and Connecticut that surround the City; details of these suburban impacts are also detailed in the report.

#### Environmental Impacts and Federal Response

NRDC reviewed the limited (but growing) body of research conducted in the United States and Europe over the past several decades that links aircraft and airport noise to identifiable health effects. Noise-based health impacts include sleep deprivation and impacts on cardiovascular and gastrointestinal functions, as well as reduced learning abilities of school children. These impacts go beyond the quality-of-life annoyances caused when noise disrupts normal daily activities such as speech, sleeping and relaxation.

In the U.S., there is not much helicopter-specific health research that documents the relationship between helicopter noise and human health and well-being. However, both the FAA and NASA have concluded that the public perceives helicopter noise to be twice as loud as comparable-decibel fixed-wing aircraft. This perception of greater helicopter noise and annoyance is due to the distinctive low frequency, vibration-inducing, and blade slap characteristics that are unique to helicopters. A limited number of European studies of helicopter noise confirm that there is a systemically different quality of noise from helicopters compared to fixed-wing aircraft that results in higher public annoyance levels.

There are no aggregate data regarding smog-forming and toxic air emissions from helicopters. Even more disturbing, neither the FAA nor the EPA require per-engine emissions data for helicopter engines, as is required for other types of aircraft engines. Yet an environmental impact statement prepared for New York City's East 34<sup>th</sup> Street Heliport found

HNC P 113

that the heliport was the source of measurable quantities of smog-forming gases and elevated levels of formaldehyde and other cancer-causing toxic emissions.

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**Legal Issues: The Effect of Federal Preemption and the Impact of the 1990 Airport Noise and Capacity Act (ANCA)**

Nearly ten years after the passage of the federal Airport Noise and Capacity Act (ANCA), millions of Americans continue to live in environments that exceed the noise threshold set by the FAA as compatible with residential use. Because ANCA is limited to aircraft over 75,000 pounds, ANCA has had no impact on reducing helicopter noise levels whatsoever. Currently, all U.S. civil helicopters are under this weight threshold. Although federal aviation regulations classify helicopters based on their noise emissions (according to similar Stage 1, 2 and 3 noise certification designations used for fixed-winged aircraft), the FAA has not set a Stage 3 (the quietest level) noise certification level for helicopters.

Thorny legal issues govern the amount of control localities can exercise to reduce helicopter noise. Besides phasing out the noisier commercial aircraft by the year 2000, ANCA's other main purpose is to review noise and access restrictions on aircraft operations that are imposed by airport proprietors and owners. ANCA created a number of procedural hurdles that airport proprietors must overcome prior to adopting any noise or access restrictions. Although the boundaries of ANCA have yet to be litigated, the Act has increased the power of the federal government to preempt the traditional authority of the airport proprietor to address serious local noise impacts, including those from helicopters. Chapter 2 discusses this preemption issue and finds that the extent of preemption remains unclear at this point.

To help the reader work through the legal maze in this area of law, we have provided a case-by-case summary of most of the pertinent noise-related preemption cases (including a discussion of 1998's *National Helicopter Corp. v. City of New York*) and regulations as a help to practitioners, as well as a series of "question and answers" based on current law.

NRDC's recommendations for local and federal agencies are listed below. While our local recommendations focus primarily on the NYC area, they could be adapted to many other areas experiencing heavy helicopter activity.

Since 1990, the Natural Resources Defense Council (NRDC) has conducted several studies that document the environmental impacts of aircraft and airports. These reports include: *Flying Off Course: Environmental Impacts of America's Airports* (1996), and *Under the Flight Path*

HNC P 114



(1997), a study of airport noise impacts at Westchester County Airport (WCA) in New York State. In these studies, NRDC found that, because of the continued (and projected) rapid growth in air travel, there is an urgent need for increased scrutiny and mitigation of aviation's noise, air and water pollution impacts. Neither of our two previous reports focused on helicopter impacts. We hope that this report fills this gap.

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### **Federal Recommendations**

- Congress should immediately direct the FAA to take two steps: first, to develop and implement more protective "Stage 3" noise standards for helicopters; and second, to work with other federal agencies to implement a series of tax and/or other market incentives to encourage helicopter owners to retire their noisy Stage 1 and Stage 2 helicopters and to invest in quieter (and cleaner) Stage 3 helicopters. Research to further document the effects of helicopter and other aircraft noise on health and learning should also continue.
- Congress should pass H.R. 729 (co-sponsored by Congressman Jerrold Nadler and Congresswoman Carolyn Maloney, among others), which would require the FAA to prepare helicopter risk plans in cities with substantial helicopter noise impacts.
- To fill the significant data gap with respect to helicopter health impacts, environmental impacts, and number of operations, the FAA should require the collection of separate helicopter operations data by heliports. The FAA should provide public information on numbers of helicopter operations to enable the adequate assessment of their impacts.
- The FAA should require a 2,000 foot minimum flight altitude for helicopters wherever possible, especially over residential and other noise sensitive areas.
- The FAA should require helicopters to follow noise abatement procedures for takeoffs, flyovers and landings, unless safety, weather, or other FAA-specified concerns preclude their use.
- The FAA should require helicopter identification numbers that are readable from the ground on low-flying helicopters to help the FAA and local public officials to enforce requirements

HNC p 115

on minimum altitudes and noise abatement flight paths. Likewise, the FAA should work with local public officials, noise abatement advocates and other interested parties to develop local rules that minimize the impacts of media, tourist and other non-essential helicopter flights in noise-sensitive areas.

- EPA should also act to address the currently-uncontrolled air emissions from helicopters. A 1993 EPA-sponsored study at Chicago's Midway Airport found that aircraft engines emit significant quantities of toxic volatile organic compounds (such as formaldehyde, benzene and 1,3-butadiene), and particulate matter. EPA should implement regulatory limits on these toxic air emissions from helicopter and other aircraft engines.
- Congress should amend and clarify the 1990 Airport Noise and Capacity Act (ANCA) to clearly allow reasonable, non-discriminatory local regulations to control the environmental impacts of helicopter operations.

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#### **Local Recommendations**

- Public officials throughout the tri-state region should work with regional helicopter councils, the FAA, and local community and noise abatement advocates to develop noise mitigation procedures and flight paths for their locales. To the extent possible, flight paths should avoid residential areas and fly over highways and waterways. Public officials and local advocates should support H.R. 729, a bill in Congress that would require helicopter risk plans in cities with substantial helicopter traffic.
- Public officials should determine if any financial incentives (i.e., reduced fees/rents) can be provided to helicopter companies that fly quieter, new-technology aircraft, as well as to heliport operators that encourage their use.
- Heliport owners or operators should make noise-related improvements at each heliport including: installing a permanent noise monitoring system serving all sites or using portable monitors to conduct spot-checking at sites near heliports or flight paths. Public officials should explore the use of monitoring results to impose noise-related fines for aircraft exceeding specified lower decibel thresholds.

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- Heliport owners and operators should collect monthly operational breakdowns by mission (e.g., air tour, charter, corporate, emergency, media, special/other) and aircraft type, and provide public access to the data.
- Local public officials (especially in suburban counties) should consider refusing to zone for heliports, depending on local helicopter traffic and noise impacts on their jurisdictions.
- NRDC supports many of the recommendations of the *Heliport and Helicopter Master Plan for the City of New York*. These are listed in Chapter 3. These recommendations include ways to reduce the impact of helicopter operations, for example, by further restricting and/or banning tourist sight-seeing flights and by restricting flight paths to primarily over water and highways. NRDC strongly supports a ban on tourist flights over residential areas, and urges the City to keep tourist flights over major waterways.
- Despite many positive recommendations, the City's Master Plan does more to justify its current helicopter policies than to create and implement a sufficient plan for the future. Most significantly, it underestimates the community, environmental and health impacts of helicopter growth in NYC, and fails to adequately discuss all possible alternatives to the current projections of the City's helicopter growth. For example, the Master Plan does not adequately explore the obvious need to limit media and other non-essential helicopter traffic, focusing solely on the tourist helicopter phenomenon. The City should work with FAA to develop rules and a pooling/sharing arrangement to reduce the numbers of media and traffic helicopters that converge on a site and hover for long periods of time.
- New York City should continue its recent ban on sightseeing flights at the 34<sup>th</sup> Street Heliport and should work toward banning sightseeing flights over the city generally. Further, New York City should not allow a heliport to be placed on the Hudson River's Pier 76, which is in the middle of the newly-created Hudson River Park.
- New York City should develop ground-based restrictions for operating hours, idling times, engine run-ups related to maintenance, and training operations. These restrictions (as well as the mission-related operational breakdowns noted above) should be incorporated into the city-issued Aviation Facility Licenses.

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- New York City should establish a Heliport Oversight Committee, which should work with the FAA, community representatives and industry organizations to review and improve existing noise-abatement procedures.
- New York City should take a co-lead position with the Eastern Regional Helicopter Council and the FAA to develop an Electronic News Gathering (ENG) Operations Manual for media helicopters. Issues covered should include minimum weather criteria, altitude minimums, hovering durations, and event-specific guidelines.
- In New Jersey, local public officials should work with New York City officials and the FAA to establish altitude restrictions, flight paths, hovering duration, and other noise abatement procedures for ENG (electronic news gathering) helicopters, most of which are currently based in New Jersey.

HNC p. 118

February 18, 1996

Ms. Judy McClain, Chair  
Helicopter Task Force  
Manhattan Borough President's Office  
New York, New York

O.  
Letters on  
Safety

Re: Report on Helicopter Safety

Dear Ms. McClain:

Frequent crashes involving fatalities have put safety at the top of the regulatory agenda in both the Grand Canyon and Hawaii, where the FAA has issued flight rules in 1994 and 1995.

Here in New York City, The National Transportation Safety Board has reported on 15 helicopter incidents (tour and other) since 1983, including 5 involving fatalities. These reports show three incidents in New York City in the 1990's, one fatal.

Nationally, there is approximately one helicopter crash every week involving a fatality. The causes of helicopter crashes include mechanical failure, pilot error, flying into obstructions such as power lines, and crashing into each other. Recently in the news was a fatal helicopter crash in the Florida Everglades (collision into a radio tower) and the fatal collision of two Israeli military helicopters (into each other).

It is interesting to note that the Grand Canyon and Hawaiian waterfalls and lava flows are remote underpopulated areas. The Israeli crash is noteworthy in that one helicopter crashed into the town's guesthouse, setting it ablaze. Here in New York, the matter of our concern involves some of the most densely populated neighborhoods in the world.

From reading the attached news articles and crash reports it is evident that safety cannot be guaranteed and that helicopter accidents can and will happen.

Finally, the issue of public liability cannot be ignored. The attached list of the five largest liability verdicts of 1995 includes a \$420 million judgment in favor of two families against a helicopter manufacturer.

It is unfortunate that this issue has arisen here in New York. The industry has slipped in between the cracks and grown rapidly. I do not believe that passengers understand the risks involved, and the burden on our citizens is considerable.

Yours truly,

—  
Coalition of New York City

HNC P119



**CITY OF NEW YORK**

MANHATTAN COMMUNITY BOARD NO. 4  
330 WEST 42ND STREET • NEW YORK, N.Y. 10036  
TEL. 736-4536 FAX 947-9512

**PAMELA FREDERICK**

CHAIR

**JESSICA GREER**

DISTRICT MANAGER

January 9, 1998

Hon. John B. Daly  
NYS Department of Transportation  
5 Governor Harriman State Campus  
Albany, NY 12232

Alvin S. Trenk, President  
Air Pegasus  
25-B Vreeland Road  
PO Box 99  
Florham Park, NJ 07932

**Re: December 30, 1997, Helicopter Crash at West 30<sup>th</sup> Street Heliport**

Dear Sirs:

The helicopter crash that occurred on December 30, 1997, was the second such incident at the West 30<sup>th</sup> Street heliport in the last six months. These incidents, together with the April 15, 1997, crash at East 60<sup>th</sup> Street, are responsible for one dead and at least eleven injured.

These incidents may have been caused by a number of factors, including pilot error, weather, equipment, or inherently unsafe conditions at the heliport; the actual cause in each case remains to be determined by the National Transportation Safety Board. Whatever ultimately is determined to be the cause of these incidents, however, they raise grave concerns among the residents of our community, and, we have no doubt, the residents of all communities in which heliports are sited or are scheduled to be sited.

We believe that a meeting with all of the concerned parties should be scheduled to address these concerns. Among the points we want to discuss are:

1. Your evaluation of the safety of 30<sup>th</sup> Street in light of the recent accidents. The close proximity of the accident to the highway, and its bikeway/walkway, raises particular concerns.

- over - HNC P120

**Hon. John B. Daly and Alvin S. Trenk**

**January 9, 1998**

**Page Three**

cc: Hon. Rudolph Giuliani, Mayor  
Hon. C. Virginia Fields, Manhattan Borough President  
Hon. Jerrold Nadler, United States Representative  
Hon. Catherine Abate, State Senator  
Hon. Franz Leichter, State Senator  
Hon. Deborah Glick, State Assemblymember  
Hon. Richard Gottfried, State Assemblymember  
Hon. Scott Stringer, State Assemblymember  
Hon. Tom Duane, City Councilmember  
Hon. Ronnie Eldridge, City Councilmember  
Hon. James Ortenzio, Hudson River Park Conservancy  
Connie Fishman, Deputy Mayor for Economic Development and Planning's Office  
Pepi Ertag, Manhattan Borough President's Office  
Shirley Jaffe, NYC Economic Development Corporation  
Al Butzel, Hudson River Park Alliance  
Sonia Rivera, Route 9A Project  
Joy A. Held, Helicopter Noise Coalition of New York City

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## Fax Cover Sheet

DATE: January 1, 1998 TIME: 4:15 P.M.  
TO: Rep. Carolyn Maloney PHONE:  
Attn: Minna Elias FAX: 832-7576  
PHONE: 371-5237  
FAX:

RE: HELICOPTER TASK FORCE

Number of pages including cover sheet: 3

### Message

I presume that by now you've seen the attached article and letter from Joy Held

The unfortunate accident at the West Side heliport last night serves to underscore the urgency of getting the FAA to do something soon about helicopter overflights of New York City. As the article, reprinted from the industry magazine *Aviation International News*, shows, the FAA Regional Administrator is encouraging the worst helicopter overflight offenders (large corporations not necessarily headquartered in New York City) to use their influence to make certain that the public interest takes second place to the needs of commerce rather than seeking legislation to protect the population of NYC from what will eventually prove to be a catastrophic disaster

This kind of *laissez faire* capitalism went out in the 19th Century with Commodore Vanderbilt. Unfortunately it appears the FAA accepts its mandate as "let the public be damned." It also shows why the FAA has been dragging its heels on what is obviously an urgent problem.

It should be made clear to the agency that the number of helicopter accidents in Manhattan in the last several years is not coincidental to the increase in overflights, but rather an example of what the future holds in store for those who live and work in the most heavily populated zip codes in the United States. The longer helicopters allowed to fly over New York for any purpose with no restrictions, the more likely we are to have a major crash resulting in fatalities both on the helicopter and the ground.

With all the risks people face simply living and working in New York, why add to their burdens the possibility of death falling on them from 600-feet or more in the air? The FAA may not regard our city as a "national security zone," but those of us on the ground are certainly entitled to an effort to provide security from helicopter flight failures.

Thanks for your past attention to this problem. Hopefully in this session maybe we can get some action from an agency that appears to have little or no concern for the public welfare.

Best to you, your staff and, of course, the family, for the New Year.

HVC P 122



April 16, 1997

To: Community Board 8

Re: Helicopter Menace

With the recent crash, it emphasizes that helicopters are inherently unsafe. Their rotors fall off and their crankshafts break no matter how well they're maintained. And when they fall they plummet straight down due to gravity.

A compromise, allowing some helicopters to fly would never work. If my neighbors aren't allowed to make noise and disturb my peace and quiet, why should helicopters be allowed to do this? It's not fair.

Please pass the proposed resolution. Yaws,

HNC P123

nrk, New York 10021 Tel (212)!

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ecialist Gen. V. F.  
the Soviet-Chinese  
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N.Y. TIMES 9/1/69  
EDITORIAL  
**Helicopters in Midtown?**

Plans to resume helicopter service to Kennedy and Newark Airports from the heliport atop the Pan Am Building ought to be vetoed by Federal and city officials. This is especially true because New York Airways is planning to use Sikorsky S-61 helicopters for the service, despite the fact that two of this model were involved in fatal crashes in California last year.

The tragedy that would result if a 28-passenger 'copter were to plunge through the roof into Grand Central Terminal or into one of the busy adjoining streets is too great for a project of such minimal community benefits. And, even if it could be shown that the danger was virtually zero, there would still be a noise barrier to conquer.

In the twenty-five months when helicopters did operate from the 800-foot-high rooftop, the noise was a constant source of complaint from occupants of offices and apartments throughout the midtown area. Now many of these have served notice that they will fight to block any renewal of the city permit for use of the heliport.

Actually the helicopter service from the roof of the Pan Am Building at best serves only an infinitesimal fraction of the passengers who use the metropolitan area's three major airports—Kennedy, La Guardia and Newark. Currently these fields handle more than 100,000 passengers a day; the 'copter traffic, before its discontinuance, averaged about 700 persons a day.

Three years ago the Port Authority and the Triborough Bridge and Tunnel Authority announced that they were jointly studying the possibility of a \$50-million combination heliport and garage on the East River between 36th and 38th Streets. Unfortunately, they have never succeeded in working out feasible financing for the plan, but this is the right kind of location for a heliport—one where the approach can be made over water.

The place where a heliport should not be is on a lofty rooftop surrounded by other skyscrapers in the densely populated center of midtown Manhattan.

the Government, there is  
hindrance to his transfer  
where his allegiance lies.

R. WILSON  
B. GORMAN  
Belfast, Northern Ireland  
Aug. 22, 196

O.  
News Articles  
on  
Safety

ing spirit... They have proved that b  
tracking up to Bethel and er  
during the various hardship  
there.

Second, American youth ar  
truly peace-loving, and riot  
are not a part of American  
life or philosophy.

I truly hope that our Govern-  
ment will take note and shap  
its policies accordingly; an  
that our leaders and youth  
itself will channel the "spiri  
of Woodstock" into new an  
worthwhile ventures to benefi  
this and future generations  
everywhere.

MARGOT H. GERSON  
Great Neck, L. I., Aug. 18, 1969

### War No Game

To the Editor:

The Aug. 21 letter of Fanny  
T. Taber notes that "above all  
things [the American people]  
love [s] a victory, whether in  
a ball game or a war" and use  
this argument to justify military  
victory in Vietnam.

Never have I seen a more  
superficial rationalization for a  
military solution to the Viet-  
namese war. Doesn't this writer  
realize that the analogy be-  
tween a game and a war is

HNC p124

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though it were better, into the empty  
and passive skulls of his students  
while they sit idly by expecting to be  
entertained or "motivated." If they are  
not willing to provide their own moti-  
vation, to look upon learning as some-  
thing that must be challenged and  
mastered to be fully appreciated,  
then I am afraid that there is little  
help for them.

Even Socrates could not have taught  
Plato had Plato been looking out the  
window.

MICHAEL A. STEEN

Stroudsburg, Pa., Jan. 20, 1977

percent of these accidents are vi-  
timately caused by the driver. As a  
man who has fought all his life for  
better highway safety through the  
nonprofit Manocherian-Robbins Foun-  
dation, I am appalled that a game  
would be made, much less sold, based  
on such a horrifying reality as deaths  
on our roads.

Highway safety is no joke. Dying or  
being permanently injured in an auto-  
mobile accident is not very funny. This  
reckless disregard for human life is a  
frightening trend in our society. It  
appears on television, in movies and in  
the media. Now it has become a  
"game" for amusement parks.

Do "games" like this bring out vio-  
lence during actual driving? Maybe  
they do and maybe they don't. But  
is it worth the chance to find out?  
Isn't enough reckless driving already  
on our roads? Do people need to be  
encouraged to play games that reward  
reckless and dangerous driving habits?  
I think not.

According to the article, none of  
these games are in New York City. I  
urge the Department of Consumer Af-  
fairs to take immediate action to see  
that none of them ever do appear in  
New York. This constant glorification  
of reckless driving habits must stop  
somewhere.

FRED MANOCHERIAN

New York, Jan. 13, 1977

## 'Dangerous' Heliport

To the Editor:

The resumption of helicopter flights  
from the roof of the Pan Am Building  
is incredibly absurd from the stand-  
point of the public safety.

No doubt the flights will provide a  
measure of convenience for the handful  
of travelers who will use the service.  
I look forward to using it myself.

But from the public standpoint it is  
ridiculous.

Perched over the fragile roof of  
Grand Central Terminal, used daily by  
thousands of commuters, and located  
in the very heart of our crowded city—  
one could not choose a more dangerous  
place to locate a heliport. Helicopters  
do fail. They are subject to great vibra-  
tion and fatigue of metal, and "auto-  
rotation" is no cure for structural  
failure.

If a midtown heliport is needed, it  
should be located at one of the rivers.

LEE S. KREINDLER

New York, Jan. 21, 1977

## 'Cruel' Bus Schedules

To the Editor:

Those who framed the policy of a  
cutback in bus service in order to save  
funds for a fiscally sick city have been  
ill advised. To have initiated such a  
policy in the winter—a winter when  
meteorologists predicted would be ex-  
tremely cold—was thoughtless and in-  
sensitive.

At present, often in zero weather,  
bus riders are constrained to wait 15  
or 20 minutes and sometimes much  
longer for the bus to arrive. At times  
the bus is overloaded and is unable  
to receive any more passengers, thus  
leaving many to wait for the next bus.  
For many riders such schedules are  
heartless and cruel.

This curtailed service might amelio-  
rate to a minuscule degree the city's  
bus problem.

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HITCHCOCK  
ET/Ch. 13  
i. 20, 1977

## zacy, Appended

HNC p125

review of  
p-Ed Jan.  
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developing the world economy, the  
Arab nations have interests not greatly  
different from those of the United  
States.

Kissinger was one of the first to  
note these common concerns. His  
diplomacy, no doubt, was hard for the  
American public to understand, for it  
called for no new crusades against  
evil, did not release into isolation, and



Wreckage of New York Airways helicopter atop Pan Am Building with smaller rotor still intact after accident

## WORLD OIL SHORTAGE SCALED INEVITABLE

Study Says Shift to Other Fuels Is  
Vital and Urges Conservation

By EDWARD COWAN

WASHINGTON, May 18—Energy company executives and analysts from 13 countries warned today that non-Communist countries must make enormous investments in coal, nuclear power and energy conservation to offset an inevitable world oil shortage and a risk of war. The warning emerged from a two-and-a-half-year study sponsored by the Massachusetts Institute of Technology that is massive and directed by Professor Irvin L. Wilson.

"The free world," Mr. Wilson said in announcing the findings, "must drastically curtail the growth of energy use and move massively out of oil into other fuels with wartime urgency. Otherwise, we face a veritable catastrophe."

The study was titled "Energy: Global Prospects 1983-2000."

Cowan's Times Herald  
The theme of the 281-page book, published by McGraw-Hill in soft cover at \$35, is similar to that of President Carter's energy program — that there is a grave danger of an oil shortage



Police stand watch over covered bodies of some of the victims of crash

## 5 KILLED AS COPTER ON PAN AM BUILDING THROWS ROTOR BLADE

ONE VICTIM ON STREET BELOW

7 Dolly Part—Landing Gear Had  
Collapsed as the Craft Was Being  
After Arrival From Kennedy

By ROBERT L. SHAW

A New York Airways helicopter falling on the rooftop atop the Pan Am Building in midtown Manhattan today on a broken landing gear yesterday afternoon and a large rotor blade crashed off and killed four people in New York City, including a woman on the street below and a black man on Madison Avenue. A fifth victim was killed on the rooftop.

Whirling like a gigantic boomerang, the blade struck four people on the rooftop landing pad, killing them instantly then plunged over the skyscraper's west corner. About halfway down the gray tower, the blade crashed into a window and broke in two. One piece of blade continued to fall, whirling onto Madison Avenue and hitting a woman walking on Madison and 43d Street shortly after 2:30 P.M.—the height of the evening rush hour.

At least seven persons were injured, five seriously. Three of the injured were a man, his wife and their young son. The woman who was killed on the street was the 31-year-old wife of a 32-year-old man. She was the 31-year-old wife of a 32-year-old man. She was the 31-year-old wife of a 32-year-old man.

Authorities said that emergency medical crews encountered delays of 20 to 40 minutes in getting the injured out of the building because elevators had been shut down on the upper floors.

Service Was Suspended Feb. 1

It was the first major accident of the controversial helicopter landing site atop the tower, which runs above the Grand Central Terminal on Park Avenue between 43d and 45th Streets. The heliport was used for 26 months, but service was stopped in February 1973, reportedly because it was not profitable—and flights were resumed only last Feb. 1.

Mayor Beahm, after spending a half hour on the roof and conferring with police and fire officials, ordered the helicopter service halted. "I have ordered the Transportation Administration to revoke the permit until the Federal Aviation Administration investigation and makes the necessary report," the Mayor said.

The accident occurred only about a minute after the aircraft landed after



Broken helicopter blade lodged in window of the Pan Am Building

the 26th floor. The helicopter had 21 passengers and a half-dozen of 21 passengers had gone aboard, joining Capt. Lee Richmond, the pilot, Flight Officer John Finnegan, the co-pilot, and Linda Chevrolet, 35, flight attendant.

Suddenly the right front landing gear crumpled and the helicopter toppled onto its right side near the southeast corner of the rooftop. Witnesses said scenes of horror ensued.

Scene of Carnage

Windows along its sides shattered. One of four 30-foot blades of its main horizontal rotor broke off, and the blade and shards of glass hurled into the small crowd of people waiting to board the aircraft. Many flung themselves down; others were cut down.

"There was screaming, screaming and glass flying everywhere," witnesses said. "Everyone dove for cover to the floor," said Robert LeVine, a 32-year-old man, 1, 1. "There was blood all over everyone."

"It was terrible," said Paul Davis, a 32-year-old man, 1, 1. "I heard a great sound and then was blowing all over me."

Some of the victims were cut to pieces. Shortly after the accident, the rooftop was a scene of carnage. Blood-spattered clothing and newspapers were pressed

Continued on Page 25, Column 1

## Job Prospects for Young Lawyers Dim as Field Grows Overcrowded

HNC P15 6

By TOM COLLETTEN

Two years ago, the American Bar Association introduced "Barista," a computer service designed to help employers

There are now 403,000 lawyers in the United States, and by 1985 there will be more than 600,000. But the Bureau of Labor Statistics estimates that there will be only 400,000 jobs for lawyers by 1985.

Overturned New York Airways helicopter lies on flat-roofed roof of the Pan Am Building after fire was put out in crash caused by broken landing gear

# Five Killed as Helicopter on Pan Am Building Throws Off a Rotor Blade

Continued from Page 1

The roof was littered with battery packs, magazines, bombs, all torn and bloodied.

After plashing through the glass on the roof, the blade and the glass shards tumbled down toward Vanderbilt Avenue as the base of the skyscraper's west facade after breaking off in a window halfway down the building, part of a stone trim hurtled down, according to a fire lieutenant, and killed the woman on Madison Avenue and 43d.

Other pedestrians on Madison and Van-

Streets were cut by falling glass. Wit-

nesses of the accident were not clear.

The woman who was killed was hit by something in the upper body, said Tom Clark, 37 years old, of the Bronx, who heard screams all around him as he walked along Madison Avenue. "I thought it was a flower pot or something. Then I saw the blood. She was dead."

Mr. Clark said he rushed to a second woman who had been struck in the leg and had fallen to the sidewalk. "I pulled her into the doorway of a building so nothing else would fall on her," he said.

Firemen said that much of the debris, apparently caught by swirling winds in the canyonlike streets, was swept over the top of the Belmont Hotel before plunging into Madison Avenue, where three persons were hit.

Wendy Goodman, a 23-year-old market research aide who lives at 2135 Johnson Avenue, in the Riverside section of the Bronx, was in a library on the fourth floor of the Yale Club at 43d Street and Vanderbilt Avenue when she heard "what first sounded like a hailstorm."

She looked up and "saw what seemed to be a shower—but it was literally a downpour of glass; it went on for about three minutes."

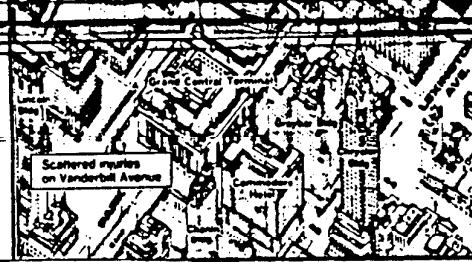
## The Shrieking of Screams

Within minutes, fire engines and police cars with sirens shrieking were moving into the area. The police quickly moved around the helicopter, which had been closed off Vanderbilt Avenue to pedestrian and vehicular traffic, primarily for fear that the section of glass protruding from a window in the Pan Am Building would fall. Firemen later hauled the blade inside and traffic below was permitted to move.

Only one of the persons killed was positively identified last night. The Police Department listed Anne Bernice of 88 Edgewater Park, who was the woman killed on Madison Avenue.

The New York City Medical Examiner's Office tentatively identified those fatally injured as David Toomey of Montclair, N.J.; Michael Findley of 325 West 43d Street; Enrique Ganga, 43, no address given; and an unknown mutilated body believed to be that of a male from Milan, Italy. Mr. Ganga died at Bellevue Hospital several hours after the accident, the others were said to have been killed instantly.

A spokesman for New York Airways said that its Flight 972—a 50-foot-long, 30-passenger Sikorsky S-61—had made its 10-minute trip from Kennedy to the Pan Am roof without incident and had



been on its pad killing for about 10 minutes at "a three-minute turnaround" when the accident occurred.

Fire Commissioner John T. O'Hagan later said one of several steps for the right landing gear snapped. The cause of that break was not immediately determined, but Mr. O'Hagan appeared to point out a section that wind had been a factor. The National Weather Service reported that it was relatively calm almost everywhere late afternoon in the vicinity of the accident.

However, the Commissioner said, "it is possible that the wind may have been part of the accident, and that the wind could have caused the strain on the strut."

There were speculative reports that a fire blew out, abruptly putting the helicopter's heavy weight on the strut, which was not confirmed and a New York Airways spokesman, after an examination of the aircraft, said he did not believe a fire had blown out.

Investigations were begun by the Police Department, New York Airways, the Federal Government and the Air Line Pilots Association.

The Federal investigation will be conducted by the National Transportation Safety Board, which dispatched a so-called "go" team from Washington by plane. Meanwhile, those health officials from the regional office at Kennedy were to the scene in help.

Some of the "go" team, which are changed periodically, are seven-man groups of investigators who are kept on alert status, ready to rush to the scene of any crash in this country. They also provide observers in investigation, of

ward everywhere — "No, I don't

to said. "I don't know if the first person down from before to get the roof, said. "There were three. That already has been covered. One was almost completely head was hanging." Mr. Porter said he had part of his spine split. He said: "I've done some things like this before and I hope I see anything like this again."

The blade that tumbled over the whirled down and plunged into a on the 30th floor. An account can be the State Court Building.

Some witnesses said the helicopter was not in the air when it crashed. One executive, identified by a re-work Joe Fiedorick, was uninjured. Had there been a soft landing, he probably have been dead," said the fellow on St. Edward's.

At Bellevue Hospital, survivors of the crash were being treated. One of about a dozen passengers were waiting to board the craft, was about 30 feet away and waiting inward the helicopter when "it looked over and the impact blew me back."

"All I could see were the blades coming toward me with the dust and glass," she said. "At first there were no screams. Everything was quiet. Everyone was stunned. Then it came. Then the screams began. I don't remember. I don't want to remember."

Miss O'Keefe escaped with only slight injuries to a knee and hand.

Escape Windows Used

Some witnesses said the three crew members and half-dozen passengers aboard the overturned craft climbed out escape windows and a door that had been blown down.

Donald Payne and Roland Mays, two members of the modern emergency team who were among the first to reach the roof, said the elevators were shut down and they were obliged to carry a stretch and a littering equipment up a stair.

Mr. Mays said they also had to use the stairs to remove some of the injured, causing delays of 30 to 45 minutes in getting them in hospitals. Mr. Payne, a small man, said the ordeal of carrying a victim down nine flights of stairs was "hell, total hell."

At the New York Airways lounge, two uninjured witnesses, Steven Herich and Wendy Herman, said they had been last in line waiting to board the helicopter when it collapsed.

"It'll be seeing it for the next 20 years," said Mr. Herich. "The doors started flying and the glass started flying—we just turned around and drove down the stairs," he added, referring to the strain of the rooftop where passengers arrive and leave the pad.

There was an indication of whatever fire or explosion, according to Fire Commissioner O'Hagan and the New York Airways spokesman. "There was a clear, partly sunny day without excessive wind, and it had not been a hard landing and called the accident a sort of aberration."

## Copter Pad Born in Controversy

By WOLFGANG SAXON

Helicopter service between the helicopter atop the Pan Am Building and metropolitan airports was tried first in the mid-1960's, raised for economic reasons and was resurrected only a few months ago—all amid fierce arguments that one day one of the aircraft was bound to fall into the street below.

It was mainly community groups who fought the resurrection of the service, using such arguments as that they were noisy intrusions into the lives of the residents. The opposition argument was that helicopters did not belong on midtown buildings but should be confined to the water's edge on New York City's underbelly.

It was late in 1965 that New York Airways began to carry air passengers from the roof of the 58-story Pan Am Building to the local airports. Approval of the service had been given over angry protests concerning safety and noise.

But the helicopter service, mainly for businessmen in a hurry to catch a plane, did not pay as had been expected. And in February 1968 the company, having suffered heavy losses, announced it was closing the service.

Nobody gave the service much thought until May 23, 1974, when a youth burst on television 22 minutes after a board an executive helicopter at the 34th Street Helipad on the East River and eventually wound up on top of the 58th-story Pan Am Building, where he was captured.

In time, technological advances made the 58th-story pad above 43d Street



Firefighters carrying survivor with woman pedestrian injured by helicopter debris that fell on Madison Avenue after crash on Pan Am Building.

HVC p127

# Nightmare On The East River

HNC P 128

A Sightseeing Helicopter Crashed,

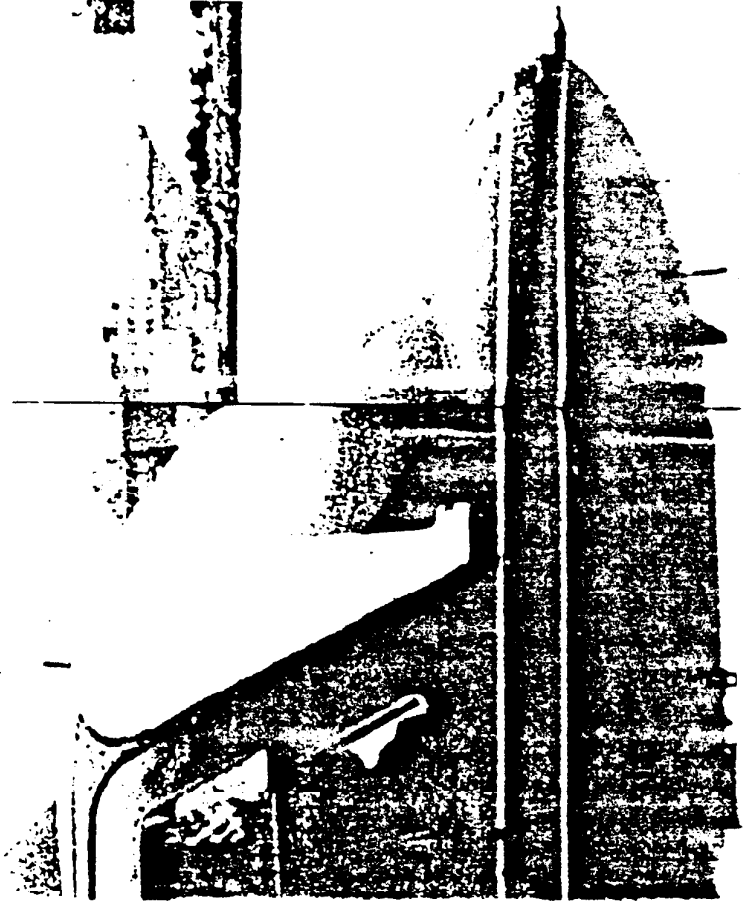
A Long Island Teenager Died,

And a Father Began a Desperate Fight

That May Never Be Over

By Abby Hirsch

Feb. 10, 1990



APR 1990

# Immature On The East River

A Sightseeing Helicopter Crashed,  
A Long Island Teenager Died,  
And a Father Began a Desperate Fight  
That May Never Be Over  
By Abby Hirsch



**F**EBRUARY 10, 1990, WAS A SATURDAY. BERNARD FALLER AWOKES IN HIS empty Tudor-style house in Teaneck, New Jersey, and ambled downstairs to his big country kitchen to make some coffee. He took a shower and put on a pair of blue jeans, a shirt, a jacket. As he did every weekend, Faller climbed into his white Pontiac Bonneville and drove out to Hewlett, Long Island, where his 13-year-old son, Robbie, lived with Faller's former wife, Linda.

During the drive, Faller, 44, a successful insurance and estate planner, thought back to Robbie's bar mitzvah only a few weeks earlier. He recalled, in particular, Robbie's speech. For months, Faller had coached his son, urging him

John T. Wilson Jr. (2)

to read slowly and to articulate every word. Faller remembered how Robbie looked out at the audience just as it was over. When he caught his father's eye and saw him give the thumbs-up sign, Robbie beamed from ear to ear.

On the way to Hewlett, Faller thought about the surprise he had planned for his son that day. Faller's second wife, Rhoda, a lawyer, had gone to visit her sister in Florida. Her two sons, Robbie's new step-brothers, were spending the weekend with their father in New Jersey. That left Bernie and Robbie alone together for the weekend, just the two of them—the way it had been for the nine years since Bernie and Linda had split.

Faller had something special in mind: a sightseeing tour of the New York City skyline on an Island helicopter. Bernie was an amateur pilot, and Robbie, an honor student at Woodmere Middle School, loved planes, too. His father knew Robbie would be thrilled with the flight.

But Faller knew his ex-wife wouldn't feel

A slight rain was misting down as they left Staten Island, but by the time they reached Manhattan and pulled into the Island parking lot at the East 34th Street heliport, it had stopped. Bernie remembers thinking that visibility wouldn't be a problem.

The \$50 tickets entitled them to fifteen minutes of flight time—down the East River, past the Statue of Liberty, up the Hudson River. During the short wait in the trailer that Island calls its passenger lounge, Robbie played a few video games. Then he joined his father and two French tourists for a briefing on the use of seat belts and life vests, instructions that Faller says were barely audible over the noise of the engine. Moments later, the four passengers were ushered out to the waiting helicopter.

The Fallers sat facing each other in the Bell 206 L Jetranger. Bernie Faller remembers that Robbie's seat belt wasn't working properly and he needed some help with it. Faller himself had trouble snapping it into place. Though he would vividly recall the incident later, "I didn't think much of it at the time," he says. "There was only a brief interval before we took off. Once the French tourists got in, off we went."

The helicopter rose straight up in the air 30 to 40 feet, he remembers. "The pilot rotated the nose of the plane about 150 degrees to the left. Then he lowered the nose considerably as we headed out to the East River."

Though Faller noticed that the helicopter's nose was facing down, he didn't

Over the years, in the course of all his pilot training, one piece of advice had been drummed repeatedly into Faller's head. *Always fly your airplane. Never become a passenger in your own craft. No matter what's happening or what the emergency, think: What must I do? And then take that action.*

Faller knew that if he didn't take control of the situation, he would die. His first step was to take off his seat belt. He couldn't see or feel Robbie, but once he'd unhooked himself, he groped around for the door and found it. He groped around again for his son. No luck. He was running out of air. He had to surface.

What he saw a few seconds later surprised him. The helicopter was upside down, almost completely submerged. And it was only a stone's throw from the heliport pier.

He saw the pilot bobbing in the water, not too far away. The French tourists, safe and unharmed, were clinging to the copter's skid. The only one missing was Robbie.

Faller dived back down into the murky waters. "I was fully aware that if I didn't get him out fast, he would die. I reached for the area where I expected his seat belt to be, but all I was able to grab on to was his clothing."

According to the deposition for the lawsuit he would later file, Faller returned to the surface a second time, then dived again unsuccessfully. He begged the pilot, Charles Rodda, to do something. Rodda dived and surfaced a few seconds later.



When the helicopter crashed, Bernie Faller was hit into cement.... It was pitch-black. I was s

that way. Deathly afraid of small planes, she had been anxious whenever Bernie took Robbie along when he flew. So Bernie hadn't told either of them about his plans. That way, it would be a surprise. Besides, why worry Linda? Especially since Bernie himself wouldn't be the pilot. He was going to leave the flying to Island Helicopter.

**H**E PICKED ROBBIE UP, AND they drove to Staten Island to visit a friend, then went for lunch. As they were finishing their pizza, Robbie asked about the plans for the afternoon. Bernie grinned and handed over the helicopter ticket. Robbie was ecstatic.

know if the position was unusual. He realized quickly that the craft was gaining speed but not altitude. Suddenly, out of the corner of his eye, he saw the right strut of the copter hit the water. Faller was pitched forward instantly and was thrown violently against his seat belt. Then a wall of water hit him. "The sensation," he says, "was like running into cement."

He knew they had crashed. Immediately, the cabin filled with water. Things went faster than he had ever thought possible: "There was no time at all to size up the situation between the moment of impact and the moment we were submerged," he says. What Faller did not know was that the copter had somersaulted. Both he and Robbie were hanging upside down. And it had happened within just a minute of takeoff.

"It was pitch black," Faller remembers. "I was swallowing kerosene and the contaminated water of the East River. I knew that I was drowning."

"As fast as he was in," Faller said, "he was out." By this time, Faller noticed that Robbie's leg, a sneaker still on his foot, was sticking out of the door, but Faller still couldn't reach him.

After what seemed an eternity, Faller says, Rodda finally got his small pocket knife open, then headed back down into the water. He stayed there briefly. Faller said in his deposition, then surfaced and told Faller there was nothing more he could do. Faller pleaded with Rodda to hand over the knife. As they moved toward each other, Faller remembers, he was terrified that the knife would slip from Rodda's grip before the transfer was made. But he grabbed it and went back into the cabin. By then, the craft had shifted downward and listed slightly to one side.

"I continued to try and find the seat belt," says Faller. "I was grabbing and pulling on everything. But at this point, my hands had become totally numb. I couldn't even tell what I was cutting.



There was blood everywhere. Only much later did Faller discover that in his frenzy, he had been slashing at his own hands.

Rodda stood on the landing skid of the helicopter and tried to shift the craft so Faller could reach Robbie, but Rodda wasn't heavy enough to do it by himself. "I screamed for help," Faller recalls. "But the French didn't budge." Faller himself finally crawled atop the belly of the craft and moved closer to Rodda, successfully shifting the helicopter. But it was a futile move.

The helicopter was beginning to sink and drift away from the pier. Several minutes had passed, and no one had come to the rescue. The Island staff at the heliport had seen the copter go down, but there was a problem: The heliport had no rescue equipment that was ready to go and no established emergency procedure. There was one rubber raft on hand, but it was deflated and had no motor. When the crew did manage to inflate it, no paddle could be found.

Island pilot Ed Hadeed used a two-by-four as a makeshift paddle. Struggling against the currents, he managed to reach the wreckage. But twenty minutes or more had already elapsed. Faller was holding on to Robbie's leg, still trying desperately to work his son free from the seat belt. When Hadeed reached his side, Bernie refused to get into the raft and give up.

Several minutes later, the police rescue helicopter arrived. Three people had seen the crash and dialed 911 immediately, but

by room, the Island Helicopter team began to arrive. "Their people got there in less time than it took to get us out of the water," Faller told me. In the deposition, Faller said that the Island representatives huddled with Rodda and had an intense conversation in low tones. Soon, the men from the National Transportation Safety Board arrived. The last to show was Island Helicopter's president, Don Gault, who talked to the pilot and the French tourists. Faller says Gault never spoke with him.

Bernie Faller remembers asking a question of an NTSB representative whose name he does not remember: *Why didn't the pilot deploy the floats before the helicopter went down?* By keeping the copter upright, the floats might have saved Robbie's life. The representative told Faller that the first time the pilot knew he was going to crash was when he hit the water.

The NTSB rep also told Faller that Rodda surmised that a gust of wind had caused the accident, a claim that Faller found implausible, since he recalled that there had been almost no wind. With ten years of experience as a pilot, Faller was certain that the crash was due to pilot error.

"If the pilot was all there," Faller says, "the crash wouldn't have happened. He was impaired or distracted, or simply not looking out the window. I wondered what the hell he'd been thinking of when he let that accident happen."

Upstairs at the hospital, Robbie was on a ventilator, still unconscious. His lungs

Faller case was scheduled for trial. I left messages with Bernie Faller's lawyer, Frank H. Granito Inc., asking that his client get in touch with me. After months of calls, Faller agreed to several interviews.

Shortly after Robbie's death, on the recommendation of a psychiatrist, Faller had checked himself into the Payne Whitney Psychiatric Clinic, on East 76th Street. He stayed for eight weeks and was on suicide watch for part of that time. When I met him, in May, he was still taking Wellbutrin for his depression.

Faller arrived for the interview with his wife, Rhoda. Four and a half years after the accident, his emotions were still unmistakably raw, and she was exhausted. They confessed that their marriage was precarious and admitted that they didn't know how it had lasted as long as it had.

Three times in that one evening, Faller said tearfully, "I have nothing to live for." And three times—referring to her sons, Danny and Joey—Rhoda gently reminded him, "You have us."

But for a long time, Faller had turned away from them all. It was too painful to participate in his stepsons' lives—to pick them up at school, to go to basketball games and award ceremonies. He never resumed working in estate planning, either. He wasn't up to talking about plans that would protect the lives of others' children.

His first wife stopped speaking to Faller when Robbie died (and refused to dis-

cuss the case with *New York*). And Rhoda's life changed, too. "I've felt cut off from every-

one," she says. "From my husband. From my friends, who have stopped calling. Even from my kids." She glanced at a picture of Bernie and her with the three boys.

"Look at us," she said. "So smiling, so happy. So unknowing. Every time I call Bernie from my office and can't reach him," Rhoda admitted, "I'm terrified that he's killed himself."

"After this is over," Faller told me in front of his wife, "I may leave and start over someplace new. Maybe Montana." It was painful to watch them.

The anger that fueled him was painful, too. "If I had been aware of the risks of helicopter travel and known about Island's record," says Faller, "my boy would be alive today. Every day, I wonder how I could have been so stupid as to take him in a helicopter."

"I want other people to know the risk that they are taking," his wife added, "when they go on a little sightseeing jaunt."

as hit by a wall of water. "The sensation was like running  
as swallowing kerosene.... I knew that I was drowning."

it took almost 25 minutes for rescuers to get there.

At this point, Faller swam to the rubber raft and was pulled aboard. "I decided I would now get out of the way," he said. "I didn't want them spending time on me. I wanted them spending time on him."

But in his heart, Faller says now, he knew Robbie was dead.

**A**N AMBULANCE RUSHED THE victims to Bellevue Hospital, a few blocks away. Bernie Faller was treated for bruises on his arm and for hypothermia. Lying on gurneys to his right in the emergency room were the French tourists. To his left was Rodda. They were being treated for similar injuries. In the meantime, the rescue team back at the helicopter had managed to get Robbie out. Unconscious, he was airlifted to Bellevue.

Shortly after Faller got to the emergen-

cy room, the Island Helicopter team began to arrive. "Their people got there in less time than it took to get us out of the water," Faller told me. In the deposition, Faller said that the Island representatives huddled with Rodda and had an intense conversation in low tones. Soon, the men from the National Transportation Safety Board arrived. The last to show was Island Helicopter's president, Don Gault, who talked to the pilot and the French tourists. Faller says Gault never spoke with him.

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Upstairs at the hospital, Robbie was on a ventilator, still unconscious. His lungs

had taken in a lot of water and kerosene, and to pump it out, the ventilator had to be run at the maximum setting, which put a terrible strain on Robbie's heart. The prognosis was grim.

Five days later, Robbie's heart stopped. "And," says Faller, "for all practical purposes, so did mine. I had picked up a healthy child from his mother and brought back a corpse."

Overwhelmed by grief, Faller says he knew his life could never be the same, and he knew the accident could have been avoided.

FALLER LATER DISCOVERED THAT this was not Island Helicopter's first catastrophe. Since 1979, Island and its affiliate company New York Helicopter—both of them owned by parent company Transleisure—have had eight crashes, and four people have died.

When I learned early this year that the

**T**HE FALLER'S MULTI-MILLION-dollar lawsuit against Transleisure became an opportunity for retribution as well as a cause. Island Helicopter denied Faller's charges and took the position that the accident was very likely the result of a downdraft. Its sightseeing tours continued as usual. "We asked for a letter of apology," Bernie Faller said grimly. He never got one.

What bolstered their case was information from two unexpected sources. Three days after the crash, Faller says, he got an anonymous telephone call from someone who identified himself only as an employee of Island. "Chuck Rodda, the pilot, was charged with DWI [driving while intoxicated] in Putnam County," the caller revealed.

playful gesture. So at the most critical point during takeoff, the pilot had only one hand on the controls. Normal procedure calls for the other hand to be on the "collective," which controls the pitch of the rotor and enables the helicopter to climb or descend.

In a deposition, Wilson said that when Don Gault, the president of Island, learned that the photos existed, he demanded that Wilson turn them over to him. When he refused, Wilson said, he was fired.

Earlier that same February day, Wilson himself had flown the helicopter that later crashed and could attest to the fact that it was in good condition. During Rodda's takeoff, Wilson remembered, weather conditions were "fairly calm . . . overcast, high ceiling, visibility was good . . . maybe a five-knot breeze [later con-

**A**CCORDING TO NATIONAL Transportation Safety Board figures covering 1989 to 1991, helicopter travel is almost 50 times riskier than travel in fixed-wing planes. The average accident rate for helicopters in that period was 10.45 per 100,000 flying hours. The rate for commercial airplanes was 0.215 per 100,000 hours.

The reason has to do in part with the nature of the craft. "Helicopters have 100 moving parts, all trying to shake themselves back into the box that they came in," one helicopter pilot explains.

"People may have to take risks when they're traveling for business," reflects another soberly, "but there's no good reason to go up in a helicopter for sightseeing."

Months after his own tragedy, Faller learned the details about the fatal Island crashes of 1985 and 1988. In the first, a German tourist en route to Kennedy airport couldn't unfasten his seat belt in a

Faller at his son's grave, in Farmingdale, Long Island.



"My lawyers have instructed Robbie Faller's death," sa

downed helicopter; he died two and a half hours later in a hospital. In the second, a sightseeing helicopter plunged into the water, killing a Japanese man who worked for Honda and injuring four others. Two

months after the 1988 death, the FAA began investigating what it termed "discrepancies" in the company's maintenance records.

"In view of the fact that my son's drowning was the third such incident reported by Island in a five-year period, why was the company not more militant in monitoring its hiring and operational procedures?" Faller wonders.

A number of sources refused to be quoted when I asked them about the company, but many volunteered off-the-record information about unpaid bills and dissatisfied former employees. Many expressed amazement that the company was still operating. Almost all suggested that its continuing existence had something to do with the influence of Transleisure's chairman and CEO, George Dempster. A Long Island millionaire and the former

Bernie Faller learned that there were two five-year-old DWI convictions but said Rodda wasn't drinking the day of the crash. Island claimed it knew nothing of this story until after the crash, but a source says it was common knowledge among Island's employees.

Even more shocking information came from a second source, another Island pilot named John T. Wilson Jr. Nobody knows exactly what prompted him to approach Faller's lawyer, Frank Granito, to set up a meeting. Wilson brought along photographs that he had happened to take just seconds before the accident—photographs of the helicopter just as it was taking off (pages 32 and 33).

One of the photos shows Charles Rodda smiling, his head turned toward Wilson, one hand raised and his middle finger extended in what was meant to be a

firmed to be about eight knots in Rodda's own account]."

On the night after the accident, the helicopter was pulled out of the East River, and Wilson had an opportunity to inspect the cockpit. He was surprised that the floats had not been activated. When the activator is on (standard operating procedure, according to a pilot I spoke with), the flotation devices can be deployed in about four seconds. "[The pilot's] arming switch was not activated," Wilson said in his deposition. "Therefore he could not have popped the floats if he had wanted to." In his own deposition, Robert Chaves, Island's director of operations, said that when the helicopter was pulled out of the water after the accident, "a lot of water rushed into the cockpit," and that may have changed the position of the activator.

chairman of the board of Hofstra University. Dempster was appointed state commerce commissioner by then-governor Hugh Carey in 1981; he has also served on the Urban Development Corporation.

The finances of the beleaguered company became public back in 1984 when Transleisure filed a Chapter 11 petition of reorganization with the bankruptcy court in New York's Eastern District.

The 1988 Island crash and fatality were inconvenient, to say the least. A source familiar with the case says that if business had fallen off as a result of the crash and the attendant publicity, the Chapter 11 plans might have been derailed. Nevertheless, agreeing to certain payment schedules, the company was able to get the plan approved by the court in 1989.

At least one creditor, however—Bank One of Indianapolis—has filed a motion in the bankruptcy proceeding, claiming that the company has not made good on a debt of more than \$200,000. And over the years, financial records show, the company has had several tax liens filed against it.

Even New York City's Economic Development Corporation (EDC), which leases its East 34th Street heliport to Island, has had difficulty collecting from the compa-

Gault refused to answer questions. He would say only, "My lawyers have instructed me to say, 'We regret the tragic and unfortunate incident of Robbie Faller's death.'"

George Dempster refused to meet with me. As the story neared publication, he contacted an editor at *New York* to say that he had heard the story was being written under the direction of Bernie Faller, who was attempting to assuage his "enormous guilt" at having failed to rescue his son. Dempster also implied that I was dating Faller and would be cut in on Faller's settlement. (His allegations are false.)

**I**N JUNE, JUDGE HELEN FREEDMAN, the trial assignment judge in the Faller case, urged the parties to reach an agreement rather than go to trial. Initially, Faller resisted. He wanted his story to be heard in a public forum in a face-off with the people he held responsible for his son's death. Rhoda also pressed for a trial. She felt it would help her husband put an end to his suffering and start over. Nonetheless, the two of them agreed to follow the judge's suggestion.

As the two sides edged closer to a financial settlement, Faller held out for a

would have established a number of things. These include, among others, the fact that the pilot of the helicopter and another Island Helicopter employee acted in heroic fashions rescuing those passengers who survived and in attempting to rescue Robert Faller; that the training and experience of the helicopter's pilot met or exceeded all FAA standards; that the training, emergency, and operational standards of Island Helicopter met or exceeded not only FAA standards, but industry standards as well and that the operational, safety, and rescue standards associated with the operation of the heliport exceeded not only FAA and industry standards as well. Indeed, had my clients chosen to proceed with the trial of this matter, the witnesses who would have testified to these matters include an expert helicopter pilot who, in addition to being a professional airline captain, has flown virtually every civil model helicopter manufactured; an aircraft accident investigator who was the top investigator with the National Transportation Safety Board and the head of accident investigation for the Federal Aviation Administration and a recognized expert in heliport operations and safety standards."

Ending his fight has given Faller some peace. "I know that if the case went to

me to say, 'We regret the tragic and unfortunate incident of', said Island president Don Gault, who refused to answer questions

ny. As of April 1, 1993, Island owed \$226,244 in back rent. Although a revised payment schedule was set up, earlier this month a spokesman for the EDC said that Island had again defaulted on its agreement. The case is now back in the State Supreme Court.

On yet another front, the heliport's neighbors are fighting to curtail what they claim is an environmental burden caused by up to 100 flights per day. The complaints range from fumes to noise pollution to fears about crashes. Louis Sepersky of Planning Board 6 says there have also been complaints that Island's sightseeing helicopters are flying too low and don't stick to their required routes. Robert Grotell at the EDC has asked the FAA to investigate.

According to the office of Manhattan borough president Ruth Messinger, there is a move to limit sightseeing flights at the 34th Street Heliport and to base most sightseeing trips at the Wall Street heliport, which is run by the Port Authority. In January, the Port Authority invited bids for this concession, and a source says Island wants it very badly. The company that is ultimately accepted faces scrutiny of its finances and its safety record.

Island is not exactly forthcoming. Don

letter of apology, as a symbol of accountability. He was willing to let millions of dollars hang in the balance while his lawyers found language they thought was neutral enough to put in a letter that the other side would sign. They proposed words like *regret* and *apologize* rather than *murder* and *blame*, the strident words that Faller might have wished for.

No agreement about the letter was ever reached, and no apology was ever made. The pilot, Charles Rodda, says he would have liked to extend his sympathies to Faller: "The lawyers said I shouldn't call, I shouldn't apologize, because anything I said could have been construed as evidence of guilt. But I think about the accident every day."

Two weeks ago, Faller signed the final agreement. To settle charges of wrongful death, pain and suffering, and loss of past and future income, Island Helicopter's insurers agreed to pay Faller more than \$3.5 million. Island admitted no guilt.

Last week, when Island learned that this article was going to press, the company's lawyer, Mark A. Dombroff, faxed two stern letters to *New York*. "Had the claims of Bernard and Robert Faller gone to trial," he wrote in one, "the evidence

trial, Island would appeal. And if I had to go through this for another two years, Rhoda and I wouldn't be married," he says. "There's joy around here again." Rhoda says. "It's so wonderful."

His attorney, Frank Granito, believes that Island and its insurers settled rather than go to trial because of the tragic circumstances of Robbie's death. "Nothing could be worse for a parent than having to watch his child die," he says. "We are confident that had we gone to trial, the photo of the pilot would have been allowed as evidence. It would have been enormously detrimental to a company whose business is the safe carriage of passengers."

**I**WENT TO ISLAND HELICOPTER MYSELF on a recent Sunday afternoon. Flights departed every fifteen minutes or so, and I watched three groups go up. Prior to boarding, an Island employee demonstrated the use of the seat belt and a life vest, giving the instructions in rapid-fire, Spanish-accented English.

The groups included mostly German tourists. When I attempted to talk with several of them, I discovered that while their tour guide spoke English, they did not.

HNC p133



Joyce Dapkin/The New York Times

## an Old Passion

fishermen's thoughts turn to open water.  
neck Bait and Tackle on Long Island Sound  
for today's launching of fishing boats.

DECEMBER.

One of his sons, a lawyer, has told him he was crazy to take on the fight, but his wife, Helen, has made him a needlepoint pillow to cheer him on in battle. It says, "Don't Tread on Me."

## Helicopter Lands In Central Park Field:

By The Associated Press

A sightseeing helicopter made a precautionary landing in a baseball field in Central Park yesterday, breaking up a lunchtime game and stopping bikers and joggers in their tracks.

The helicopter was flying over the park when a warning light went on, indicating a mechanical problem, said Capt. William Wilkens, commander of the New York City Police Department's aviation bureau.

"As a precaution, the pilot figured he'd get down as soon as he could, and he had the ball field here," Captain Wilkens said.

The red-and-white New York Helicopter craft landed in the middle of center field in the North Meadow, north of the reservoir, he said. The landing sent the young ballplayers running for cover.

"Kids in New York, when a helicopter lands, they come over," Captain Wilkens said. "But because they're New Yorkers, they didn't stay long."

The 12 passengers, who had paid \$69 each to view Manhattan, were calm as they left the helicopter, said Don Gault, president of National Helicopter, of Garden City, L.I.

They were driven back to the 34th Street Heliport, where nine of them boarded another helicopter to continue the tour, he said.

"I thought it was someone escaping from jail," said Hector Nunez, 25, an employee of the Waldorf-Astoria, who was pitching to a friend.

Watch for colorful Part 2's of  
The New York Times Magazine.

3/19/97  
FS

HNC P 134

QUESTIONS ABOUT THE INSPECTION  
d so officials hired more in-  
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ncies tried to make the paper  
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It was thought a monumental  
the outset became more mon-  
l than that," Mr. Stiesel said.  
ask just grew and grew and

clais said, however, that they be-  
lieved the delay up to Sept. 20 could be  
accommodated with relatively minor  
changes in the school calendar.

Parents have called for the aboli-  
tion of a weeklong winter break won  
by teachers in recent negotiations,  
but teachers union officials said they  
were unwilling to sacrifice that  
sought-after break to make up the  
days lost by the delayed opening.

## way Explosion in Bronx Injures Four

Explosion underneath a subway  
the Bronx yesterday injured  
ple and delayed trains for two  
t spokesman for the Transit  
ty said.

Explosion, caused by a mal-  
of the electrical transfer that  
subway trains, occurred at  
4, underneath a No. 6 train as  
led north between the 149th  
and Longwood Avenue sta-  
tid the spokesman, Bob Slo-

rain filled with smoke, and  
passengers were evacuated  
ngwood Avenue station. Two  
es of the Transit Authority  
passengers were treated at  
Hospital for smoke inhala-  
the injuries were not serious,  
were released.

lovak said the explosion oc-  
when two of the subway  
'shoes,' the L-shaped pieces  
that pick up electricity from  
way system's third rail and  
ve train, fell off.  
eers investigating the acci-

dent were not immediately able to  
determine what broke off the shoes,  
Mr. Slovák said. For two hours, sub-  
way service was suspended between  
125th Street in Manhattan and Long-  
wood Avenue in the Bronx.

SEPT 3, 1993

## Copter Crash Investigated

By The Associated Press

The fatal crash of a Coast Guard  
helicopter at Ambrose Light Tower in  
New York Harbor may have been  
caused by the helicopter's tail strik-  
ing the tower, a Coast Guard spokes-  
man, Lieut. John E. Shallman, said  
yesterday. The pilot, Lieut. Marc Per-  
kins, 32, of Englewood, N.J., was in  
critical condition yesterday. His co-  
pilot, Lieut. Mark Fisher, 28, of San  
Antonio, Tex., was killed.

The New York Times Magazine  
illuminates the news.

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"Our job is not a  
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sourt."

97 PM HNC P.135

New York, one of the country's most powerful law enforcement officials. The Southern District includes Manhattan, the Bronx and six counties north of New York City, giving her 200-lawyer staff jurisdiction over the financial heart of the nation and one of the centers of organized crime and drug trafficking.

Yet the walls of her office bear as much evidence of her love of baseball as of her exalted post: black-and-white photographs of Presidents throwing out the first ball on opening day, and one of Roger Maris after a home run, being congratulated by her favorite player, Mickey Mantle. Ms. White has legal priorities that

Ms. White said she intends to step up prosecution of white-collar crime, not, she says, out of a sense that privileged offenders have escaped justice in the past, but because "this office is looked to as having a pretty special role in that area." In that sense, defense lawyers predict that she will more closely resemble Rudolph W. Giuliani, the United States Attorney from 1983 to 1989 and now the Republican-Liberal candidate for mayor, who prosecuted several Wall Street figures and politicians, than her immediate predecessor, Otto G. Obermaier, who was widely seen as more cautious.

But unlike Mr. Giuliani, Ms. White has so far shown little taste for the

conviction of Assembly Speaker Mel Miller and his law partner, Jay Adoff, on fraud and conspiracy charges stemming from a complex real-estate deal, but an appellate court overturned the conviction last June, concluding that no crime had been committed.

"It was an overzealous prosecution," said Gerald B. Lefcourt, Mr. Miller's lawyer. "She made a crime out of nothing."

Ms. White declined to discuss the specifics of any case, but it is the terrorist bombing cases that have made her a center of attention. The trial of four men accused in the World Trade Center explosion on Feb. 26 is under way. No trial date has been set for Sheik Omar Abdel Rahman and 14

aggressive, risk-taking approach, said Barbara S. Jo assistant to District Attorney M. Morgenthau of Manhattan old friend of Ms. White's. "I don't always see it as how competitive Mary Jo is," she

In the late 1970's, that coffee won Ms. White a place in prosecutors' lore. She agreed to a tennis match against Jim I an investigator in the office said had bragged of his ride onto the court on her cle, while a friend's tape blared "I Am Woman."

In a recent interview, she laughed at the memory. But quick to add that she won the

## Sightseeing Helicopter Makes Forced Landing in East River

By CRAIG WOLFF

It was a dream autumn day in Manhattan for four Paris tourists who set out yesterday afternoon on a short sightseeing ride by helicopter across the perfect blue sky.

But only minutes later, as the tour paused near Wall Street, the helicopter suddenly lost power and was forced to land in the East River. No one was injured, but it was quite an event for the four passengers who had not had this kind of adventure in mind.

"I'm happy to be alive," said René Adda. "We were looking at New York and then we were going down."

Mr. Adda seemed to have suddenly adopted that "only in New York" voice — a nervous but thankful pitch usually identified with people who have escaped misfortune, narrowly.

He and his wife, Mirielle, and two friends, Natalie and Gad Derhy, were near the end of a 10-day stay in the city, had enjoyed the shows, mu-

### Four French tourists are shaken, but otherwise unhurt.

seums and other attractions. But they wanted to get a look at Manhattan from a distance.

Death in '90

It was the second incident this year involving a helicopter owned by the Island Helicopter Company. Last spring one of the company's helicopters was forced to make an emergency landing in Central Park. In 1990, a young man died after a helicopter also owned by Island plunged into the East River.

Calls to the company's main office were not returned. A spokesman for the Federal Aviation Administration,

Robert Fulton, said he did not know the cause of yesterday's incident but said that the pilot, Paul Smith, and the co-pilot, Ronald Smith, performed a "routine, textbook landing." There were no glaring problems surrounding the company, he said, adding that "if it were an unsafe operation, you could rest assured we would take action."

Pontoons Are Inflated

Mr. Adda, 43, his wife and his friends paid \$74 apiece to go on the 17-minute ride, promised in a brochure to supply "thrilling closeups of major New York City skyscrapers." The group boarded the helicopter for the flight about 12:20 P.M. Mr. Adda said that Mr. and Mrs. Derhy were pointing out a building on Wall Street where a nephew works as a lawyer. And just then, he said, their craft started to drop.

"We were about 2,000 feet in the air," Mr. Adda in a halting English.

"We heard a big crack and a drop."

The pilot reacted to the emergency by inflating pontoons on either side of the aircraft, which helped cushion the impact and keep the helicopter just north of the Williamsburg Bridge, until boats from the Police Department and the Coast Guard came to the rescue. Police said the helicopter did not water.

The four tourists were helped from the helicopter, tour rides whisked by over the

Once on the ground, the second of the adventure ended for Adda and the others. They were out aboard an ambulance Emergency Medical Service and given a clean bill.

But as they tried to get to car, they were surrounded by news reporters and motion cameras. This happened Adda said later, as they all were literally shaking from the experience.

### Traffic Alert

#### TODAY

**STRICKER'S/COLUMBUS AVENUE FAIR** Columbus Avenue will be closed between 86th and 96th Streets from 11 A.M. to 6 P.M. Also, 50th Street will be closed between Fifth Avenue and Avenue of the Americas from 6 A.M. to 6 P.M. today and tomorrow for construction activity.

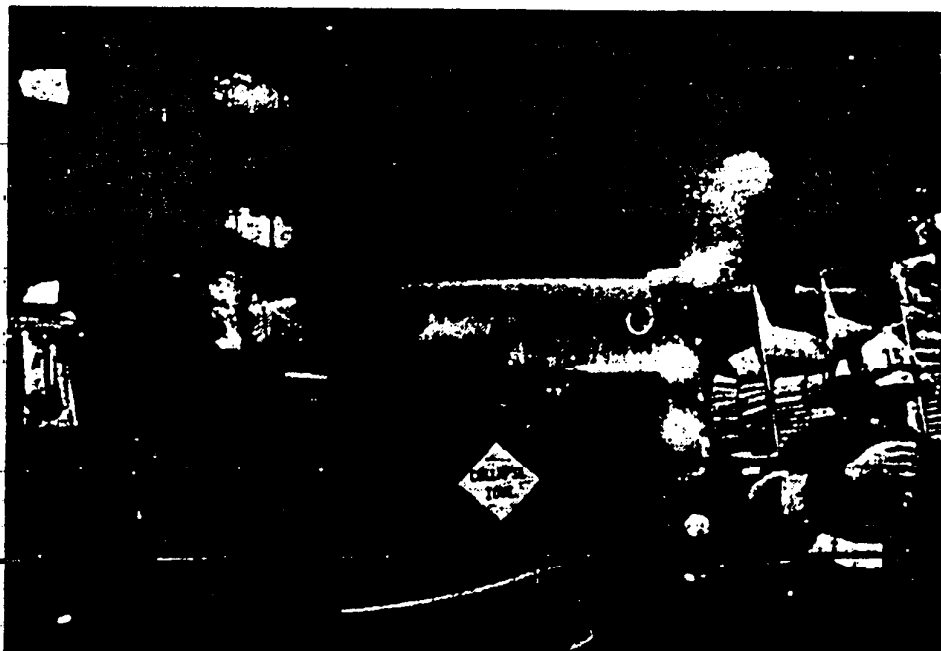
#### TOMORROW

**VILLAGE HALLOWEEN PARADE** Avenue of the Americas will be closed between Spring and 22d Streets from 6 P.M. until completion.

**IRVING PLACE FESTIVAL** Irving Place will be closed between 14th and 20th Streets from 10 A.M. to 6 P.M.

#### SAFETY NOTE

Fire officials recommend changing batteries in smoke alarms twice a year, when daylight time starts and ends. The date this fall is tomorrow.



### 3-Alarm Fire Destroys Building at Fulton Fish Market

A fire yesterday destroyed a building at 109 South Street that formerly housed a fish market, causing partly collapse. A guard's heater was suspected as the origin of the blaze, which injured four firefighters.

Get new ideas on the Op-Ed Page.

3/19/97

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PS

HWC P136

Times 2/10/94

# Report Issued in Helicopter Crash

Special to The New York Times

BUFFALO, Feb. 9 — Inadequate regulation by United States and Canadian transportation agencies contributed to the fatal collision of two helicopters over Niagara Falls in 1992, a final report by Canadian officials says.

The report, issued on Tuesday, said the pilots of the sightseeing helicopters did not see each other in time to avoid the crash. The report said the Canadian transportation agency, Transport Canada, and the Federal Aviation Administration in the United States knew that the helicopter operators routinely followed overlapping flight patterns. The report added that neither agency was aware that the vertical separation between helicopters at the overlap points was as shallow as 200 feet.

## In Canadian Airspace

A spokesman for the Transportation Safety Board of Canada, Jim Harris, said the report did not assess blame, but pointed out issues to improve safety. Regulations in both countries were tightened after the crash, Mr. Harris said.

The collision, on Sept. 29, 1992, killed the pilot and three passengers on a helicopter operated by Rainbow

Helicopters of Niagara Falls, N.Y., that plunged into a hill on the Canadian side of the Horseshoe Falls. The other helicopter, operated by Niagara Helicopters Ltd. of Niagara Falls, Ontario, made an emergency landing without serious injury to its pilot and four passengers.

Canada conducted the investigation because the crash was in its airspace. Mr. Harris said the National Transportation Safety Board of the United States assisted. A spokeswoman for the F.A.A., Liz Neblett, said her agency had not received a copy of the report and could not comment on it.

The director general of aviation for the Ontario region of Transport Canada, Ron Coulas, said he could not comment on the finding about inadequate regulation. But Mr. Coulas said he was satisfied with regulations imposed by Canada and the United States 10 days after the crash.

Those regulations require that sightseeing helicopters strictly follow flight paths that maintain at least 500 feet of vertical separation.

The owner of Rainbow Helicopters, David J. Banks, did not return calls. The president and chief pilot of Niagara Helicopters, Ruedi Hafen, said his lawyers had advised him not to comment.

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roups in other countries.

The prosecution's argument, contained in a 100-page memorandum submitted to the Government, is the case, for the first time presents a full theory of extremist Islamic activity in this country.

It contends that Mr. Abdel Rahman, the blind Egyptian cleric who prosecutors say is at the center of an alleged plot to blow up New York City landmarks, led 13 other defendants in mission of "punishing the United States for its perceived status as leader of the 'infidel' order to be wiped."

The trial is expected to begin in September.

The document gives examples of evidence the prosecution will present against Mr. Abdel Rahman, including quotations from writings and speeches in which he talks of the duty of all Muslims to sacrifice themselves for jihad, or holy war, his call "strike terror into the hearts of the enemies" and his conversations with secret F.B.I. informers in which he proves or disapproves of certain suspected terror targets.

## INSIDE

### Self-P.L.O. Accord: It a Happy Ending?

A screenplay called for a happy ending, two old enemies reconciled at last. But by the time the Israeli-P.L.O. accord was signed, there were still illusions left about the state of relations. News analysis, page A14.

### Hard Choices Loom on Haiti

If sanctions fail to dislodge Haiti's military leaders, the United States may face the choice of using force or admitting refugees. Page A10.

### Fight Over Custodians' Deal

Guyana's Ghillani said he "could not possibly approve" a contract deal with school custodians that the Chancellor hailed the day before. Page B1.

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whom it portrays both as providing a kind of overall religious justification for acts of violence carried out against the perceived enemies of Islam and as approving or disapproving specific terrorist targets.

"The crimes and acts alleged in the indictment," the prosecution says, "are not random, disconnected acts of unthinking brutality. They are, in-

Continued on Page B2, Column 1

night, the congress had 64.7 percent. The total vote is not known, but has been estimated at around 10 million.

Mr. Buthe's strong showing sent at least two unsettling messages to Mr. Mandela's new Government.

One was that racial and ethnic politics are a potent force in South Africa. In the two provinces Mr. Mandela lost, he was beaten by emotional appeals to the anxieties of minorities.

Continued on Page A12, Column 2

The House of Representatives passed a similar measure in March. So once the full bill passes the Senate, as leaders say it certainly will, the restrictions on gifts and travel and new rules on public disclosure by lobbyists that have already been approved by both chambers are almost certain to become law as soon as relatively small differences can be worked out by a conference committee.

After more than 14 hours of discus-

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Norman Y. Loe for The New York Times

After a helicopter crashed near the Lincoln Tunnel in New Jersey yesterday, setting off fires that engulfed a parking lot, Carl Brody searched for his car among rows of charred vehicles.

## 2 Die as Helicopter Crashes Near Lincoln Tunnel

By ROBERT D. McFADDEN

A small, low-flying helicopter heading toward Manhattan with a flying instructor and his student snaggled a power line, cartwheeled in midair and crashed in flames on a busy elevated-highway approach to the Lincoln Tunnel in New Jersey yesterday, killing the two people on board.

No one on the ground was killed or injured, but the crash set off a chain of fires that engulfed scores of cars in a commuters' parking lot under the highway, a shadowland where people returned after the day's work to find singed skeletons where they had left shiny roadsters and getabouts. Other effects also rippled outward: power failures in 10 New Jersey communi-

ties and an interstate traffic jam that affected tens of thousands.

The cause of the crash was not immediately determined, but officials said the helicopter, a two-seat Robinson-22 that had taken off from Teterboro Airport six miles to the northeast, was only about 150 feet in the air when its rotor hit the power line and it spun down to a fiery death.

Terrified witnesses — motorists, children in a nearby school, workers in an industrial area laced with cloverleaf roads and rail and power lines

— told of explosions and fireballs as the chopper came down, skipped and broke apart on Interstate 495 a mile west of the Lincoln Tunnel in North Bergen at 12:50 P.M.

"It hit the wire and just came tumbling down right in front of my car," said Frank DePinto, 20. "I just slammed on the brakes so I wouldn't hit it. It just kept burning. Vehicles were zig-zagging all over the place, trying to get out of the way."

Alexander Gichan, who saw it from his wood-recycling business, said, "It was like three blasts of lightning. The white bursts had to be a hundred feet wide." His brother, Greg, added: "It was like a rock skipping on the water."

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Continued on Page B4, Column 1

# MAY

# 6

# 19



Continued From Page A1

a fireball bouncing on 495. It was a bus. It was that big," a blazing wreckage, a live power and volatile fuel cascaded onto a park-and-ride lot 60 feet below the crash site. Fires broke out, explosions erupted, incinerating vehicles, damaging 53 others and sending the lot into a war zone of idling ruins where commuters wandered gloomily in search of cars and BMW's that had been blackened hulks. Meanwhile, the downed power line struck out a Public Service Electric Gas substation in Jersey City, electricity failed briefly in 15,750 homes and businesses in North Bergen, Jersey City, Secaucus, Union, Weehawken, Guttenberg, Fort Lee, Fairview and Fairfield. About 7,800 commuters without power for nearly an hour and 2,000 were out for two hours, a spokesman said. Police and emergency vehicles rushed to the scene, the authorities downed some of the main traffic lines linking New York City and Jersey — Interstate 495 in the

## White bursts of light a fireball bouncing on 495.

city of the crash, two of the three exits of the Lincoln Tunnel, Exits 16E and 17 of the New Jersey Turnpike, busy route 1. The resulting traffic tie-ups spread through midtown Manhattan and into northern New Jersey in the morning, forcing a diversion of traffic through the Holland Tunnel and across the George Washington Bridge. While the wreckage was cleared by the afternoon rush, coming delays affected many commuters well into the evening. Federal, state and local authorities began investigating the crash, trying to determine its timing, with midday traffic at an ebb on a six-lane highway that is a bumper-to-bumper nightmare during most weekday rush hours, may have spared many from death or injury.

**Victims' identities withheld**  
The identities of the two people killed in the crash were not immediately disclosed, pending the notification of relatives. But officials of the New Jersey State Police and the New Jersey State Police and the New Jersey State Police, the owner of the aircraft, said the two men were a flight instructor for Titan and a student pilot who was working toward a commercial flying license. Eric D. Pangborn, the chief pilot of Titan, said the helicopter had left his airport base at Millville, in northern New Jersey, yesterday morning and had flown 100 miles to the crash site, where it was seen at Atlantic Aviation before taking off again. The Robinson-22 is a 2-seat, 30-foot-long helicopter that carries a maximum load of 30 gallons of fuel, a cruising speed of 80 miles an hour and a range of 200 to 300 miles. Known among pilots as a Robby, some 2,300 have been built, commonly for use in rescue flying, pilot training, law enforcement, aerial photography,

mapping and agricultural spraying. "It's elegantly simple to fly, economical, easy to handle and basically trouble-free," said Paul Dudley, manager of Linden Air Services at Linden Airport in New Jersey. He has 800 hours of flying time on Robinson-22's and said its versatility makes it one of the most popular helicopters.

Aviation officials said the helicopter in yesterday's crash was heading for Manhattan, perhaps for a landing on one of the riverside helipads, when it flew across a tangle of heavily traveled roadways west of the Lincoln Tunnel and, apparently dipping too low, snagged one of the high-tension wires strung across Interstate 495 on pylons that stand about 165 feet high.

It was unclear exactly how high the helicopter was, how fast it was going or even who was at the controls when the aircraft flew between two transmission towers and struck the top-most of eight lines between them.

Neil Brown, a utility spokesman, said the line that was hit was a non-energized static wire put up to catch lightning strikes and deflect their energy from the high-voltage lines under them, but it became energized with thousands of volts instantly when it snapped and touched two 230,000-volt lines beneath it.

Pat Allen, 35, who was driving on nearby Paterson Plank Road, heard what sounded like an explosion and looked out. "The power line was burning as it came down," he said. "The helicopter did two and one-half cartwheels in the air before it hit the roadway."

### Main Route in Tunnel

The helicopter went down in flames on the eastbound lanes of Interstate 495 just east of a huge cloverleaf that serves that highway and Routes 1, 17 and the New Jersey Turnpike, a few hundred yards to the west. Interstate 495 is the main route into the Lincoln Tunnel, the major link between New Jersey and midtown Manhattan.

Witnesses said the chopper broke apart as it skipped on the highway. While a large section burned furiously on the road, forcing astonished motorists to halt and swerve in a desperate ballet that somehow did not lead to a pileup, other sections of the aircraft hurtled over the edge of the viaduct and plummeted 60 feet onto a vast parking lot used by motorists who take buses or ferries on the last leg into Manhattan.

On the highway, Mr. DePinto, the chief of operations for a Union, N.J., ambulance service, slammed on his brakes and halted 35 feet in front of the helicopter. He said he and two co-workers leaped out and ran to the burning aircraft to try to save the two occupants, but the interior was ablaze and it was hopeless.

He said other motorists also halted and approached the burning craft. "We had to hold people back," he said. "We told them to stay back — there was nothing they could do."

On a bus overlooking the scene, Carole Prena, a secretary at the McKinley School, where 238 children were in elementary classes, said, "It hit just as I looked out. I saw showers of fire coming out of the wires near the towers. It went down on the road, way and went up into a ball of fire. It was a bunch of fire — that's all I could see."

Then, she said, the fires spread in the parking lot. "The cars were going off — one, two, three — like a chain reaction." Later, she said, psychologists had to be brought in to soothe the kindergartners, who had seen the accident and had begun to cry.

### 1,200 Cars in Lot

In the lot below — a lot owned by the Port Authority of New York and New Jersey and operated by New Jersey Transit with buses to the Port Authority Bus Terminal in Manhattan — were about 1,200 cars, according to Penny Bassett Hackett, speaking for the transit agency.

Nicholas J. Sacco, the Mayor of North Bergen, said fuel from the heli-

copter fell with the flaming wreckage and the live power line into the lot, touching off fires that spread quickly. "When the line hit the lot, it exploded," he said. "Car after car was exploding, almost in rows."

Bruce Walker, director of emergency management services for Hudson County, said the flames and explosions destroyed 25 vehicles, incinerating most down to metal frames, and damaged 53 others. Fire departments from surrounding communities put out the fires by midafternoon, saving more than a thousand vehicles.

But by late afternoon, as commuters who had left their cars in the morning returned to the parking lot, they found bizarre scenes of devastation — rows of charred skeletons that had been their vehicles.

"I think this is my car," said Harlan Marks, a 36-year-old sales manager for an office parts company in Manhattan, as he looked over the

remains of a green Ford Taurus he had bought last November. Mr. Marks, who lives in Lincoln Park, N.J., seemed resigned to the loss of the car and the golf clubs that were in it, and started thinking about insurance. "It's just a car," he said, "and they are going to pay for it."

Zvia Herrmann, of Fair Lawn, N.J., lost her 1994 Toyota Camry, and Mark DiPrima of Glen Ridge, N.J., lost his 1994 Pontiac Grand Am. But Karen Siegel Forster, 29, of Mahwah, counted herself lucky after finding her 1988 Toyota undamaged. "The car behind me was singed to a crisp," she said.

The afternoon was a mess for other commuters as well. Traffic was especially heavy in the Holland Tunnel and on the George Washington Bridge, and some buses to New Jersey ran an hour late, even after officials reopened the Lincoln Tunnel, which carries 56,000 vehicles in a weekday rush.



Emergency crews surveying the wreckage yesterday after a helicopter snagged a power line and crashed onto an elevated Interstate 495 to the Lincoln Tunnel in New Jersey. Wreckage, fuel and power lines fell into a parking lot 60 feet below.

## Returning Commuters Find Nightmare in Park

By JOHN KIFNER

Suddenly, a glowing orange-yellow ball hung over the New Jersey entrance to the Lincoln Tunnel.

In an instant, sparks cascaded from a burning high-tension power line as a burning helicopter crashed into the eastbound lanes of Interstate 495. Flames and pillars of black, oily smoke shot up from scores of cars left in a park-and-ride lot by commuters who expected to find them there at the end of the day.

And even after she heard about the crash, Zvia Herrmann of Fair Lawn, N.J., had not been too worried, based on early news reports that only 12 cars had been damaged.

When she got to the lot, Ms. Herrmann, who works for the publisher of Car and Driver magazine and Road and Track, horrified a cellular phone to give her husband an update. Her 1994 Toyota Camry had been burned beyond repair.

### Watching in Horror

"I thought the chance of my being one of the 12 was pretty slim," she said, shaking her head in resignation.

Jack Heany of Jackson Township had witnessed what happened in between, watching horrified while the helicopter spun out of control at 12:50

## 'Car after car was exploding almost in a row.'

this afternoon as he was stuck in traffic about 300 feet away, on Paterson Plank Road in North Bergen. "It was flying low and then it flew under the high-tension wires," he said. "It hit the wires with its top rotor or the tail rotor. I don't know which, and then it did a 360."

Headed north on the same road, Pat Allen glanced out of his driver's side window and saw the helicopter hit the power line.

### Hand-Held Extinguishers

"He did two and a half cartwheels in the air after hitting the line," Mr. Allen, of Wanaque, N.J., said. "It was burning as it started to come down. The line was on fire as it fell."

Black smoke billowed from dozens of fires as the first police officers to arrive desperately squirted handheld fire extinguishers into the muck and heat of the commuters' cars in the Port Authority lot.

The crumpled, frail-looking remains of the helicopter huddled upside down at the edge of the highway, and as the smoke began to yield to the fire extinguishers, the charred legs of a victim — one of two aboard the Robinson-22 helicopter who were killed in the crash — could be seen sticking out of the wreckage.

Cars in the parking lot burst into flame, leaving them scorched, windowless hulks. Bruce Walker, director of Hudson County Emergency Management, said 25 cars were destroyed and another 53 were damaged.

### Apprehensive Commuters

"Car after car was exploding almost in a row," said the Mayor of North Bergen, Nicholas J. Sacco. He said it appeared from witnesses' descriptions that "fuel came down and hit the park-and-ride lot, and when the power line hit it, it exploded."

Stunned and apprehensive, commuters returning from New York City on New Jersey Transit buses arrived at the parking lot late this afternoon to survey the damage.

Harlan Marks, 38, a sales manager for an office equipment company in Manhattan walked to the end of a row of parked cars, then doubled back and

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GIVE A CITI

SUPPORT

## ET UP AND GO

The Travel Section  
Every Sunday  
The New York Times

FILE P 139

May 6, 1994

# Faster Licensing Path Lured Helicopter Occupants to U.S.

1994 BY IVER PETERSON  
Special to The New York Times

MILLVILLE, N.J., May 6 — It was a faster and cheaper path to their pilots' licenses that brought Anthony Grau and José Hermosilla to this country, and ultimately to their deaths in the crash of a helicopter training flight near the Lincoln Tunnel on Thursday.

American aviation law allows pilots to get their instructors' credentials in less than half the time that European countries require. Like many others seeking the licenses and flight time that will win them the jobs they covet back home, Mr. Grau, an instructor at Titan Helicopter Academy here, and Mr. Hermosilla, an advanced trainee, had come to this country from Andorra, a small country near Spain, and from Madrid, respectively.

Instead, crossing Union City with a full load of fuel picked up minutes before at Teterboro Airport, and headed for the Hudson River and the flight home, their Robertson R-22A helicopter snagged a power line and crashed in flames on Interstate 495, the access highway to the Lincoln tunnel.

Today, a National Transportation Safety Board official said the reason



With Prun/The New York Times

A day after a helicopter crash near the Lincoln Tunnel took the lives of two people, Sherwood Bresler of Robertson Helicopter examined the wreckage of the company's R-22A model.

for the crash was still unknown. "I don't know why the helicopter was as low as it was," said Robert L. Hancock, an air safety inspector for the board. "That's the question we're working on now."

Federal flight laws governing traffic in the crowded New York City area require helicopters to maintain a minimum altitude of 1,000 feet, but the white and red two-seater was at about 125 feet when its twin rotors sliced through the nearly inch-thick power cable.

## Tank May Have Ruptured

Although the line was not charged, its severed ends became energized as they draped across several lower, electrified cables. They grounded in a parking lot below, where the sparks ignited dozens of commuters' cars.

As inspectors began poring over the charred wreckage of the small craft today, they speculated that the helicopter's 19-gallon fuel tank may have ruptured and ignited on impact with the power line. Such a possibility would account for the fireball that motorists reported seeing as the copter fell from the sky, and a fuel spill may also have contributed to the fire.

Continued on Page 28

HNC P140

May 6, 1994

## Faster Licensing Path Lured Copter's Occupants to U.S.

Continued From Page 25

in the parking lot.

After hitting the wire, the helicopter struggled for another 300 feet in the air before crashing on the Manhattan-bound lanes of Route 495.

The craft had no cockpit flight recorder, and officials said that barring evidence of mechanical failure, the reason for the accident may elude them.

Before refueling at Teterboro, the helicopter landed briefly at the aircraft carrier Intrepid, now an aeronautical museum moored off 42d Street in the Hudson, as part of Mr. Hermosilla's training routine.

At their headquarters here in South Jersey's sandy scrublands, Titan Helicopter Academy instructors were also at a loss to explain the accident. Roger Nyberg, assistant chief helicopter instructor and himself an émigré pilot, from Sweden, said the two had headed north at 8:30 Thursday morning on a mission to fly the complicated patterns of the North Jersey cityscape, and to clock the hours at the controls they both needed to improve their employment chances, as instructors or as commercial pilots, at home.

### 'You Have to Build Hours'

As a rated pilot in his own right, Mr. Hermosilla was entitled to take up one of the academy's five helicopters for solo flights. But because of the congestion over the New York City area, Mr. Nyberg said, the academy required the senior pilot, Mr. Grau, to accompany the trainee on the flight.

"We always try to get into different places to fly, and the Hudson River corridor is a good one for us," Mr. Nyberg said. "You have to build hours, because hours get you experience, and experience gets you jobs."

Mr. Grau, the instructor, who was 30, had clocked 1,000 hours in a helicopter, and Mr. Hermosilla, at 26, about 160, 10 more than he needed to be rated as an instructor in this coun-

try, Mr. Nyberg said.

Overseas, Mr. Nyberg said, pilots need at least 500 hours of flight time to win jobs as instructors, and even more to have a chance at a commercial flying job.

"Our people become corporate pilots, air taxi pilots and so on, and they all need to build those hours to be competitive with everyone else for jobs."

### 10 Months of Training

Like American students enrolling in overseas medical schools because of lower costs and easier admissions, European pilots train in the United States because the cost is lower and the training is shorter. Titan charges about \$37,000 and puts students through 10 months of instruction and flying before certifying them for commercial licenses.

Overseas, people pay more than twice that amount and must clock more than 500 hours of air time to get a commercial rating, said Peter Oja, a Swede who is the academy's chief instructor for fixed-wing aircraft.

European trainees therefore come to American flight schools like Titan that advertise overseas. Once they get their American instructor's cards, they begin working as instructors for the next cycle of recruits, earning money while accumulating time in the sky.

Mr. Grau had been in this country for about three years and lived with a girlfriend in a little house on Fourth Street in this old glass-making center. Mr. Hermosilla came to the United States six months ago, Mr. Nyberg said.

The crash was the first for Titan since it was founded in 1985. On the walls of its offices are two safety awards from Helicopter Association International, along with an advertisement showing a helicopter flying over rugged terrain.

"The real world has seasons, good and bad weather, traffic, and a few surprises," the ad read. "At Titan, we train you for real life."

NEW YORK STATE

HNC P141

## 5 biggest verdicts of '95

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Think writing about lawyers is easy? They win a big case, and they want it plastered all over the front page. But give someone else's million-dollar judgment good play, and ohhhhh, that's misleading the public into thinking the litigation system is out of control.

That said, here's a list of the top five verdicts of 1995, courtesy of Lawyers Weekly USA:

**1. \$500 million.** A Tampa, Fla., company, William Recht Co., ignored three warnings to clean up toxic chemicals kept in a dumpster on the edge of a vacant lot where kids played. A 9-year-old opened the dumpster, passed out, fell in and died. Company owners disappeared without bothering to defend the family's wrongful-death suit.

**2 and 5. \$350 million and \$70 million.** The families of two people who died in a helicopter crash sued the helicopter's French manufacturer, Turbomeca S.A., in Kansas City, Mo. The company admitted that it had continued to sell a faulty engine part because a recall would have cost \$48 million.

**3. \$98.5 million.** After having two Caesarean sections, a mother started to deliver her third child naturally at Long Beach Community Hospital. But her uterus ruptured, and the baby was deprived of oxygen for 10 minutes and born a spastic quadriplegic. The woman sued the hospital, which said it knew how to handle these types of births.

**4. \$90 million.** A 25-year-old woman was paralyzed from the neck down when her Suzuki Samurai rolled over near St. Louis, Mo. She broke her neck.

The key piece of evidence: a company document that acknowledged the rollover problem and said,

"IT IS IMPERATIVE THAT WHENEVER THE CAR IS PHOTOGRAPHED, THAT ALL FOUR WHEELS BE ON THE GROUND!"

San Francisco Chronicle  
Jan. 22, 1996

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**Main Menu** **PUBLICATIONS** **JOURNAL**

HNC p 142

# Chopper Crashes, Killing 2

■ **Accident:** Helicopter in fog hits wires before nose-diving into Hollywood Freeway. Two other passengers are critically hurt.

By MACK REED  
and ABIGAIL GOLDMAN  
TIMES STAFF WRITERS

Two people were killed and two were critically injured Saturday when their Bell Jet Ranger helicopter, traveling in pea-soup fog, hit high-tension wires several hundred feet above the Hollywood Freeway and crashed just south of Barham Boulevard, authorities said.

The helicopter's rotor, separated from the main craft by the wires, flew across the freeway and came to rest beside the northbound lanes, witnesses said, while the body of the helicopter nose-dived into an embankment of ivy on the southbound side.

"They were trying to make it through the Cahuenga Pass in low clouds and they hit the wires," said Frank King, a Los Angeles Police Department helicopter pilot who was on the scene.

Los Angeles city firefighters used the jaws-of-life to extricate the group from the chopper, said fire spokesman Bob Collis. At least some were dressed in formal wear, although their destination was unknown, said Rhett Brice, a spokesman for the California Highway Patrol.

Please see CRASH, B3

## Copter Crash Kills 2



RANDY MCIRLIE / Los Angeles Times

Emergency workers examine the wreckage of a Bell 206 Jet Ranger helicopter that crashed next to the Hollywood Freeway on Saturday, killing two men and critically injuring two women. B1

## CRASH

Continued from B1

The helicopter was owned by the Wolfe Air Co., based at Burbank Airport, and was flying from Burbank to Los Angeles, according to King.

The identities of the victims—two men and two women—were not immediately available. King said he knew one of the survivors and that she is an employee of an Ontario-based tour company, Aria Tours. He also said that she often accompanies tourists from Burbank Airport to the city.

One survivor was taken to St. Joseph Medical Center in Burbank, where she was listed in critical condition, and the other, also critically injured, was taken to Cedars Sinai Medical Center in Los Angeles.

The crash, reported at 7:47 p.m., wreaked havoc with traffic for at least a mile when authorities shut down several lanes of the freeway. Officials with the National Transportation Safety Board were on their way as firefighters sprayed flame retardant onto fuel spilled from the helicopter, whose

tail section was resting against a tree.

King thought the high-tension wires at the pass were about 700 feet above the freeway.

A neighborhood activist said air traffic through the Cahuenga Pass has been a concern among area residents for some time.

"The Cahuenga Pass Property Owners Assn. is in mediation with

the FAA to try to force helicopters going through the pass to maintain at least 1,000 feet altitude above the ground because of noise and danger," said Joan Luchs, the association's president.

There were no reports of injured motorists.

Staff writer Timothy Williams contributed to this report.

JAN 15 1995

ENC P143

# 2 dead, 2 injured in copter crash beside freeway

in Los Angeles with injuries to abdomen, chest and pelvis, hospital spokeswoman Peggy Shafl.

Another woman was under observation at Saint Joseph Medical Center in Burbank, said hospital spokeswoman Stephanie Deau Joan Luchs, a member of the Buena Vista Property Owners' Association, said low-flying copters are an everyday problem in the area, and the hillside home groups have a 10,000-signature petition asking the Federal Aviation Administration to force pilots at least 10,000 feet from ground.

"I would say a minimum helicopter a day fly very low my home," Luchs said. "It's acceptable in a densely populated area."

800 CRASH / Page 9

By Frank Russell  
and Howard Brewer  
Daily News Staff Writers

**HOLLYWOOD HILLS** — A charter helicopter struggling through foggy and rainy skies clipped a power line above the Calhoun Pass and nose-dived Saturday evening toward the Hollywood Freeway, crashing only a few feet from traffic.

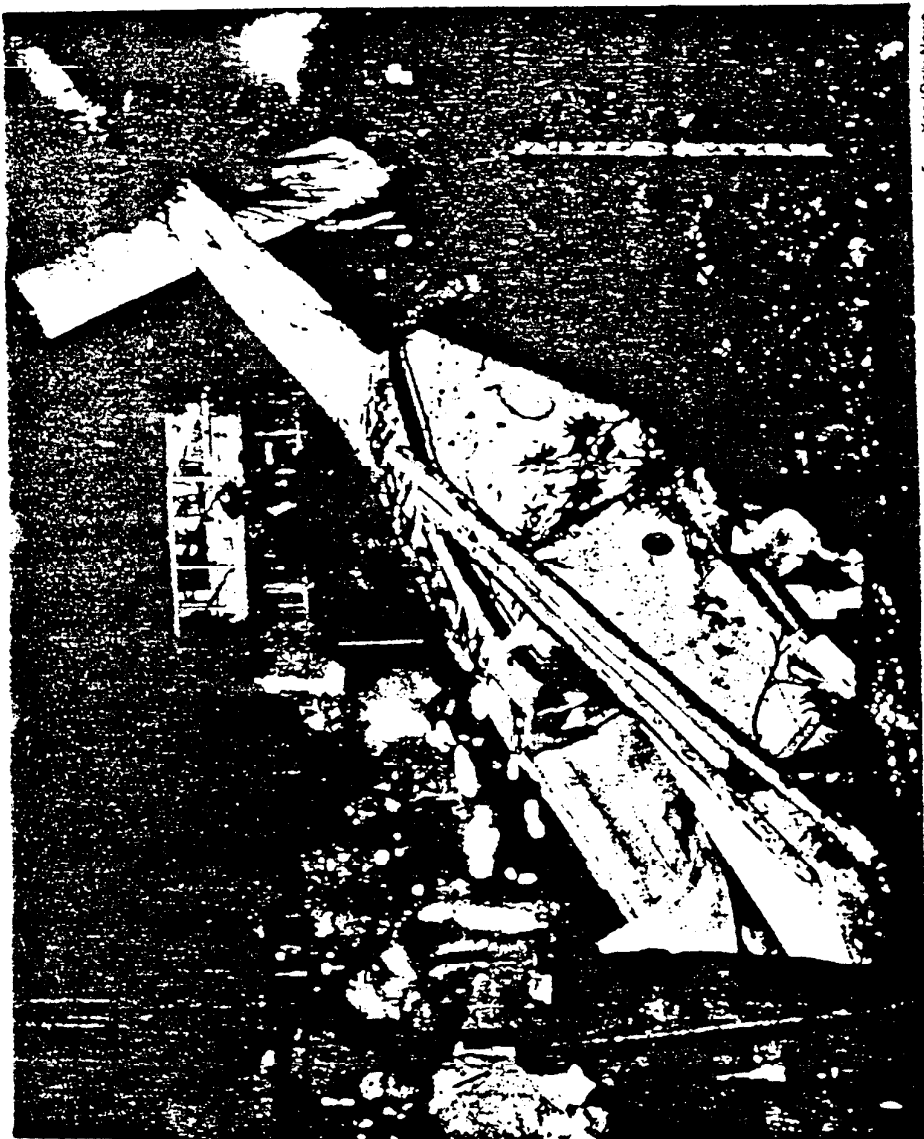
A male pilot and a male passenger on the charter flight died instantly. Two women aboard were badly injured and taken to area hospitals.

"We have two fatalities and one was the pilot," said California Highway Patrol Officer Rhett Price. "The two others are in critical condition and are not expected to live."

One woman, approximately 27, was at Cedars-Sinai Medical Center

## 2 killed in copter crash beside freeway

JAN 15 1985 DA 104 11:45



Evan Yee/Daily News

Firefighters examine the wreckage of a helicopter Saturday beside the southbound Hollywood Freeway.

The Highway Patrol initially closed all southbound lanes, then reopened two in the far left, said spokeswoman Karen Faciane. The closure was to remain in effect for several hours, she said.

National Transportation Safety Board investigators were investigating the crash.

The identities of the victims were not immediately available, authorities said.

Life to remove the two critically injured women, said Los Angeles Fire Department spokesman Bob Collier.

One of the women was reported unconscious and the other, while severely injured, was able to talk with rescuers, authorities said.

The wreckage lay twisted nose down on bushes above the right shoulder of the freeway just north of the Highland Avenue exit.

One witness reported a bright flash just before the civilian copter hit the ground. Lights flickered in the Hollywood area at 7:45 p.m., just before the California Highway Patrol received a report of the crash at 7:50.

CRASH / From Page 4

The Bell Jet Ranger helicopter, which has a maximum capacity of a pilot and three passengers, hit a high-voltage transmission line near the freeway, probably because the pilot was trying to fly below storm clouds, said Department of Water and Power spokeswoman Darlene Battle.

The crash did not cause any power outages, she said.

Jet fuel spilled across the area and firefighters spread foam to guard against the danger of fire. A plume of noxious smoke filtered into the foggy skies.

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HNC  
P144

# Copter crash victim mourned; 2 women remain hospitalized

HELICOPTER / From Page 1

investigating the crash, said "it was questionable" if the pilot had the one-mile visibility required by federal air regulations to fly.

Power lines along the Cahuenga Pass are well-marked with orange balls and well-known among local pilots, said Dick Hart, president of National Helicopter Service in Van Nuys.

"It was pretty poor weather conditions," Hart said. "He should not have gone through the Cahuenga Pass."

On Sunday, Rice's family and co-workers grieved for the officer, a father of five children from ages 6 to 14, said his ex-wife, Joyce Rice.

"He was a very compassionate and warm person, a great father, a dedicated father," Rice said.

Besides working for the San Bernardino Police Department since 1989, Rice had been a Baptist minister for 15 years and was going to be installed within a few weeks as new pastor at a Rialto church, she said.

Rice and his date booked the "City Lights" limousine, dinner and helicopter package a week ago through Ontario-based Aria Limousine Service, Llorente said. Aria arranged for the helicopter, operated by Wolf Air.

Officials of Wolf Air could not be reached for comment.

Aria's Diane Brooks, 39, of Ontario regularly traveled with her customers and was on board the helicopter, Llorente said.

On Sunday, she was scheduled to undergo wrist surgery, and also suffered from several broken ribs and numerous cuts and bruises, said Cedars-Sinai Medical Center spokeswoman Paula Correia.

Rice's date, whose name was not released by authorities, remained in critical condition at Saint Joseph Medical Center in Burbank.

The Bell 206 Jet Ranger helicopter took off from Burbank Airport at 7:33 p.m. Saturday, bound for the downtown Transamerica Center and its Tower Restaurant, Llorente said.

The helicopter hit a high-voltage transmission line, sending up a bright flash. The craft narrowly missed motorists, crashing belly-up on the freeway shoulder just north of the Highland Avenue exit.



Evan Yee/Daily News

The wrecked helicopter sits on a hill by the southbound lanes of the Hollywood Freeway, just north of the Highland Avenue exit.

The twisted wreckage tied up freeway traffic in both directions, and was finally cleared about 2:30 a.m., according to the California Highway Patrol.

Low-flying helicopters traveling from Burbank and Van Nuys airports have caused concern among several community groups in the San Fernando Valley, said Joan Luchs, president of the Cahuenga Pass Property Owners Association.

The association is part of a coalition of 15 homeowners groups stretching from Woodland Hills to the Hollywood Hills — a coalition called Stop the Noise! — that is calling for several restrictions on helicopters, including curfews and forcing pilots to fly at a 1,000-foot minimum, Luchs said.

"It was inappropriate for the pilot to fly in that kind of weather, in fog and rain," Luchs said. "If they had implemented the 1,000-foot minimum, this accident never would have happened."

She stressed the group did not oppose law enforcement or other emergency crews' use of helicopters, but was focusing on what she called "unnecessary flights" by news media and dinner and sight-

seeing tours, she said.

The Los Angeles Department of Airports — which operates Los Angeles International, Van Nuys, Palmdale and Ontario airports, but not Burbank Airport — has conducted a study on helicopter trips from Van Nuys because of community concern, said Jack Driscoll, executive director of the department.

"We're looking at what helicopters aren't behaving properly," he said.

Results of that study, and later recommendations that might include limiting the number of flights and route changes, will be provided to the city Airport Commission.

A few months ago, Mayor Richard Riordan asked the Federal Aviation Administration to consider forcing helicopters to fly at least 1,000 above the ground, Driscoll said.

"So far, we've heard nothing," he said.

The altitude requirement was sent to the FAA after it was recommended by the Van Nuys Airport's community advisory committee, he said.

Daily News Staff Writer Betty Kwong contributed to this report.

flwc  
P  
145

JAN 16 1995 L.A. TIMES

# Crash of Helicopter Killed Pilot, Policeman

By CHIP JOHNSON  
TIMES STAFF WRITER

STUDIO CITY — The two men killed when their helicopter crashed in the Caluenga Pass were identified Sunday as the pilot and a San Bernardino police officer on a dinner excursion flight between Burbank Airport and Downtown Los Angeles.

Timothy Rice, 34, a five-year veteran of the San Bernardino Police Department, died in the 7:47 p.m. Saturday crash, which also seriously injured two female passengers, authorities said. The copter plummeted to earth on the north side of the Hollywood Freeway near Barham Boulevard after it struck high-voltage wires in heavy fog, authorities said.

According to a short press release issued by San Bernardino police, Rice was a patrol officer and the father of five children. A desk officer at the station said Rice was divorced.

The name of the pilot of the Bell Jet Ranger was not released Sunday pending notification of relatives.

An official with the Wolfe Air Co., the Burbank-based aviation company that owned the helicopter, said

Please see COPTER, B6

Continued from B1  
ter, refused comment on the crash. One of the two women injured in the crash was identified as Diane Brooks, the owner of Aria Tours, an Ontario-based limousine service that offers the dinner excursion flight to its customers, authorities said.

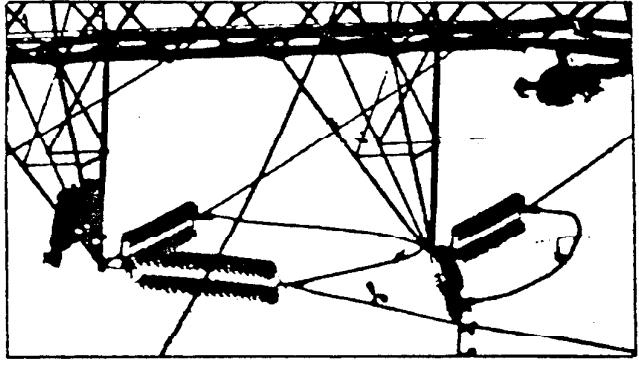
"She was in the helicopter on business," said Paula Correia, a spokeswoman at Cedars-Sinai Medical Center, where Brooks was in serious condition. "This was an excursion flight."

Brooks suffered cuts and bruises and was expected to undergo wrist surgery Sunday afternoon, Correia said. Brooks, the mother of three children, appeared alert and awake and spoke with her husband, who said he felt blessed that his wife survived the accident, Correia said.

The other woman in the crash had not been identified Sunday. Her relationship to others aboard the flight was unclear. She is listed in critical condition at St. Joseph Medical Center in Burbank, a hospital spokeswoman said.

"At this time, she is still in critical condition and being treated for her injuries," she said. "She still is a Jane Doe."

The flight was bound for the helipad atop the Transamerica



BOB CAREY / Los Angeles Times

Workers repair power line severed when chopper hit it in fog.

Building in Downtown Los Angeles, a frequent stop for tour helicopters because passengers can dine at a restaurant in the building, said Los Angeles Police Officer Lorrie

## COPTER: 2 Dead Men Identified

Taylor.  
Heli USA Helicopters, one of the largest helicopter services offering dinner excursions, canceled all flights at 4 p.m. Saturday because of poor visibility and bad weather, said Reagan Stannard, the company's vice president.

Stannard, whose company operates from Santa Monica Airport, said the \$100-per-person dinner excursions and tours are generally canceled whenever visibility is poor.

"If visibility is low, we don't do it because the passenger won't get a chance to see much," she said. The company offers rain checks or refunds for canceled flights.

The fatal Wolfe Air flight was in the air just 12 minutes before the helicopter crashed as a result of "unknown circumstances," a spokeswoman for the Federal Aviation Administration said. An investigation into the crash is being conducted by the National Transportation Safety Board, the federal agency that investigates air accidents.

Initial reports indicate the pilot flew low through the pass to avoid thick fog when the helicopter's rotors struck electrical wires. The craft's rotor landed across the highway, on the north side of the freeway, authorities said.



tors. It urged pilots not to fly the aircraft if surface winds exceed 25 kt., when gusts are more than 15 kt. or if wind shear or moderate to severe turbulence is forecast or observed. The alert also recommended limiting forward flight speed to 80 kt. or less if turbulence is encountered. Two days after issuing the alert, however, FAA officials decided to issue an airworthiness directive that essentially made the recommendations mandatory.

In addition to the FAA's action, the safety board is recommending that the agency:

- Conduct testing and research to determine the cause of main rotor blade divergence of R22 and R44 aircraft
- Modify the aircraft or impose appropriate airspeed limitations to prevent divergent main rotor behavior.
- Perform flight, ground-based or simulated tests to determine if recently licensed or experienced helicopter pilots can safely recover from low rotor rpm, if they are provided adequate warning.
- Test Robinson's low rotor rpm. warning system to determine if it adequately alerts pilots in time to initiate prompt control inputs.
- Conduct a Special Certification Review of the R44 similar to that already underway for the two-place R22.
- Review the design of the main rotor blades and the manufacturing processes used to produce them to determine if any construction deficiencies can con-

tribute to main rotor divergence. Nearly 80% of helicopter training worldwide is conducted in the two-place R22, with each aircraft averaging more than 400 flight hours annually, Robinson said. The Torrance, Calif.-based company has produced 2,500 of the piston-powered

## 'We need tougher pilot standards for helicopters, especially for instructors'

light helicopters, and about 145 of the similar but larger four-place R44.

NTSB records indicate the R22 has been involved in 339 accidents since it was certified by the FAA in 1979, including 26 fatal crashes caused by main rotor blade contact with the airframe, according to officials at the FAA's Rotorcraft Directorate in Fort Worth, Tex. The R44, certified in 1992, has had two such accidents.

The most recent R22 crash occurred Dec. 27, 1994, near Zurich, Switzerland. The aircraft struck the roof of an apartment house after the pilot lost control of the aircraft. On Dec. 8 of last year an R44 broke apart near Speyer, Germany. Investigation by German authorities has revealed that one main ro-

tor blade hit the cockpit and the other blade struck the tail boom, causing it to fail and separate.

Another R44 that crashed in 1994, near Hanover, Germany, exhibited evidence of blade contact with the cockpit and incurred a fatal crash boom. In September, another R44 crashed near Knightdale, N.C., and separated from the tail boom. Board officials said.

MAIN ROTOR BLADE stall, and low rotor rpm. can occur at normal operating airspeeds, limits Robinson said. There are 222s registered in the U.S., and five R44s. At least 142 R44s are registered worldwide, according to the FAA.

Investigation of the four accidents not revealed any mechanical problems, Robinson said. He said the FAA and the NTSB are beginning implementation of more stringent pilot training requirements for pilot training, tougher pilot standards for instructors and "specialized training for instructors" to rotate fixed-wing aircraft to rotorcraft.

Of the 26 R22 accidents in 1994, blade contact with the airframe was deemed a factor in 10 crashes. The average flight time of the pilots was about 119 hours, compared with 2,610 hours for fixed-wing aircraft, according to the NTSB.

## AIRBUS REPORTS GAINS IN FRAGILE MARKET

PARIS

Airbus Industrie booked more civil transport orders last year than arch-rival Boeing, and this year will again seek an increased market share despite the still-fragile upturn.

In 1994, the European consortium concluded orders with 12 airlines and leasing companies for 125 aircraft valued at \$9.1 billion, up from 38 aircraft in 1993. Airbus Industrie's customers last year canceled orders for 54 aircraft, down from 69 in 1993, generating a net backlog gain of 71 aircraft, still below the consortium's current combined production rate of about 130 aircraft per year.

Consortium officials said they acquired a 50% market share in 1994 and, for the first time ever, booked more orders than Boeing. But this is not more than an encouraging trend, they added. Boeing last year took orders for 120 commercial transports (70 737s, 16 747s, 12 757s and 22 767s) and delivered 270. McDonnell Douglas delivered 39 commercial transports.

Airbus Industrie's sales in 1994 "marginally" decreased to \$8.5 billion. The consortium made unspecified profits for the fifth consecutive year, officials said. Airbus Industrie is a French-law industrial grouping and produces no balance sheet or annual report.

Last month, Airbus Industrie first announced it had booked orders for 121 aircraft. But an "unannounced" customer concluded an order for additional A320s, bringing the year's sales to 125 aircraft.

LAST YEAR, 123 Airbus transports were delivered from Aerospatiale's and Daimler-Benz Aerospace Airbus' final assembly lines. Deliveries included 34 330/A340s, 25 A300-600/A310s and 64 A320/A321s. Backlog currently is 615 aircraft, valued at \$51.8 billion, and is expected to remain unchanged by the end of 1995, thanks to additional orders for "at least as many aircraft as we sold in 1994," Airbus Industrie Managing Director Jean Pierson said.

Airbus Industrie's 1994 production plan initially called for a total of 130 deliveries. However, seven Pratt & Whitney equipped A330 twinjets could be delivered to Thai Airways International before year-end due to technical problems linked to the PW4168's third engine.

Thai Airways' first A330 is expected to pay for penalties for late delivery of seven A330s, officials said.

Last year, Airbus Industrie delivered for:

- Thirty 335-seat A340 four-engine capacity transports.
- Ninety-five 124-185-seat A320/A321 narrow-body jets.

No orders were concluded for the seat A300-600/A310 or 330 twinjets.

Consortium officials expect a strong market segments, such as Europe and the U.S., to produce weak sales, but they will generate a steady flow, according to a "conservative" forecast.

File P147

# Chopper tours can be fun but dangerous, feds warn

APR. 2 1995

DAILY NEWS

By Mike Shoup  
Knight-Ridder Tribune News Wire

A few news stories you may have missed from 1994:

■ "COZUMEL, Mexico — Twelve American tourists were killed Tuesday in a helicopter crash off the coast of Cozumel." (Nov. 2)

■ "WELLINGTON, New Zealand — Six passengers and the pilot of a helicopter on a sightseeing trip were killed when the craft crashed in mountainous terrain in the Westland district of the South Island." (Oct. 31)

■ "HONOLULU, Hawaii — A tour helicopter with seven people aboard went down yesterday off Kauai's Na Pali coast, killing the pilot and two passengers." (July 15)

You get the point: Helicopter tours can be dangerous.

I recall my last one: It was on the Big Island of Hawaii, and my destination was Volcanoes National Park, where Kilauea Crater was

boiling up.

The pilot who showed up for my tour looked about 20 years old, which was mildly unnerving. But he turned out to be in his late 20s, and he seemed to know what he was doing, and in no time at all we were up and flying over the moonlike devastation of this active volcano.

When we got over one particularly molten crater, he took the copter down, then down, down, down, until we were less than 100 feet above the crater and could clearly see the boiling red core.

"You feel that heat?" he asked.

Was this guy kidding? I figured that if the engine failed, we'd be hot, liquid history in about 10 seconds.

"How about if we get the ... out of here?" I remember shouting, and we choppered off, and that was my last helicopter tour, probably forever.

Yes, helicopter tours can be dangerous — many times more

See HELICOPTERS / Page 5

## HELICOPTERS / from Page 1

dangerous than hopping aboard an American Airlines flight in Philadelphia, according to the National Transportation Safety Board.

And for all the recent talk about airline safety, helicopter tours are still more dangerous than commuter flights, according to the same NTSB data.

Exactly how much more dangerous they are than scheduled air traffic is up for grabs, because clear statistics aren't available for helicopter tours themselves, either from the NTSB or the Federal Aviation Administration.

"This is a problem area," said a spokesman for the NTSB. "The safety board has been trying to get the FAA to better define exactly what a helicopter tour is."

The safety of helicopter tours has become a particularly big issue in Hawaii, where 24 people have been killed in five separate accidents in little more than three years.

After the crash off Kauai last July 14, the Federal Aviation Administration stepped in, issuing emergency flying rules for the tour operators, who carry about 400,000 people a year in Hawaii

alone.

The operators protested, contending that one of the rules — a minimum height requirement of 1,500 feet set by the FAA — would create more problems than it would solve, and would endanger lives by cramming pilots into the same altitude, and often in essentially the same flight corridors.

Helicopters are used for scenic flights at dozens of destinations around the world. It's a very big business. The cost of flights can range from a low of \$60 per person to more than \$300 per person, but the average is about \$100.

The Grand Canyon is the most popular destination for helicopter tours, followed closely by Hawaii, with New York City a distant third.

Not surprisingly, the first two locations — in particular, Hawaii — have also had the most fatal accidents. There have been close to 50 deaths in Hawaii in little more than a decade. The record

has been better at the Grand Canyon since special flight corridors were established in 1987.

The helicopter association points out that while the safety record of helicopter tours cannot match that of scheduled air carriers, it is still substantially better than the statistics for general aviation — including everything from crop dusters to pilots of single-engine private planes — and has fallen dramatically in recent years.

"But is one accident too many?" asks its legislative director Glenn Orthmann. "You bet."

*Feds probing safety of helicopter tours*

# After Helicopter-Tour Crash



Cynthia Thomson

By LISA MILLER

Staff Reporter of THE WALL STREET JOURNAL

Two summers ago, Cynthia Thomson lost her husband. Now she's afraid she may lose her long, lonely fight with the Federal Aviation Administration.

It was a beautiful July afternoon when all four Thomsons—Cynthia, her husband Robert and their two teenage daughters—took a helicopter tour of the Hawaiian island of Kauai. About 40 minutes into the tour, the helicopter lost power and plunged into the ocean. The six passengers and pilot scrambled out of the craft before it sank, and the Thomson girls—Allison and Jennifer, both athletes—made it to the rocky shore, just 150 feet away. But Cynthia, a weak swimmer, needed help: Bob towed her along. After about 25 minutes in the choppy water, her husband of 22 years drowned in her arms. Another passenger and the pilot died in the crash as well.

Ms. Thomson, 45 years old, has had a single-minded goal since that day: to hasten the FAA's adoption of strict federal safety rules for tour helicopters—regulations that the National Transportation Safety Board has recommended for a decade. Most of all, she wants to ensure that helicopters are equipped with flotation devices that prevent them from sinking when they ditch into water.

The FAA says it plans to issue new helicopter standards in October, but it has given no indication of their content or scope. Ms. Thomson, meanwhile, has grown frustrated after two years of delays. Indeed, long before the FAA came under intense critical scrutiny following the ValuJet crash in May, she has had reason to wonder whether, in protecting the business interests of the industry it regulates, the FAA is giving short shrift to safety.

Helicopter tourism is a \$375 million industry. About 500,000 people take helicopter tours every year, and that number is growing steadily. In Alaska, New York and the Grand Canyon, helicopter operators say they're selling between 20% and 30% more tours than in 1990.

But safety rules for tour helicopters are inconsistent. Smaller companies flying short hops from

a single airport operate under the relatively loose FAA standards governing air taxis and corporate jets. Companies that fly longer distances typically fall under stricter regulations governing small commercial planes. The FAA also sometimes imposes local rules—as it has in Hawaii—in areas where helicopter-tour traffic is heavy.

As part of its investigation of the air-tour industry, the NTSB analyzed accident data between October 1988 and April 1995. During that period, there were 62 helicopter-tour accidents in the U.S., involving 35 fatalities. "I have personally observed cases where operators clearly needed more supervision," concedes Frank Jensen, president of the Helicopter Association International, an industry group in Washington.

Accordingly, safety procedures can be casual. Before their tour, the Thomsons got a safety briefing from a shuttle-bus driver employed by the tour company; he shouted quick instructions above the din of four helicopters idling on the tarmac. The family was not instructed to wear life vests. Nor was their helicopter equipped with floats.

Only three of the 33 tour operators in Hawaii use floats on their copters. Flotation equipment is optional, and it is expensive; the latest inflatable models cost \$56,000. But safety advocates say floats greatly enhance chances of surviving a crash. Indeed, on the very day Robert Thomson died, July 14, 1994, there was a second helicopter crash in Hawaii. That craft had floats, and though some passengers were injured, there were no fatalities.

Ms. Thomson, who recently won a multimillion-dollar settlement from the helicopter manufacturer and others, is a bureaucrat well-versed in the ways of her adversaries. An economist with the government's National Marine Fisheries Service in Santa Cruz, Calif., Ms. Thomson has spent 17 years doing cost-benefit analyses, calculating how much, say, protecting a rare species of salmon would hurt a fishing community. So when the FAA says it would cost the helicopter industry in Hawaii \$23 million to install floats, she counters by pointing out, for

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## A Widow<sup>Meyner</sup> Fights FAA After Crash

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example, that the FAA isn't factoring in what the industry would thereby save on insurance.

"She knows the ballgame," says David Traynham, a senior staffer on the aviation subcommittee of the House Committee on Transportation and Infrastructure. He adds that Ms. Thomson understands that "in a regulatory process, people are looking at the numbers."

Initially, her perseverance bore fruit. After she submitted arguments at an NTSB hearing in October 1994, the FAA issued temporary rules governing tour operators in Hawaii. The rules, which expire in 1997 and are expected to serve as a model for any national standards, require that all air-tour passengers get complete safety briefings before takeoff and wear life preservers during over-water tours if their helicopter lacks floats. Tour operators, meanwhile, were directed to fly no lower than 1,500 feet—to give pilots some leeway in case of engine failure or other flight mishap.

Significantly, the FAA decided not to mandate floats, deeming them too expensive. (By contrast, the cost to the Hawaiian industry of providing life preservers was a modest \$83,000.) "Dollar figures are a consideration every time there's a decision made," concedes Tom Rea, the FAA's Pacific representative. By requiring floats, he adds, "we could, in effect, devastate the industry."

Hawaiian tour operators fumed that flying at 1,500 feet would create congestion in that air space and deprive passengers of dramatic, close-up views that they pay hundreds of dollars an hour to see. They blamed the restriction for an 11% decline last year in the Hawaiian industry's revenues, to \$67 million. The Hawaiian rules, says Mr. Jensen of the helicopter association, are "absolutely ridiculous."

The helicopter operators prevailed. A month after issuing the rules, the FAA began granting waivers to fly at 1,000 feet, and then 500 feet. "The industry is basically in charge out here," says Barry Stokes, head of a Honolulu group campaigning to tighten helicopter safety. "It's a free-for-all."

The NTSB has held two hearings on the helicopter-tour industry since the Thomsons' accident. It found that flotation equipment "would improve the potential survivability of crash landings in the water" and urged the FAA to adopt national standards by the end of 1995. That date has come and gone, and Ms. Thomson is running out of patience.

"I started out thinking and hoping that the system would work," she says. "But I worked within the system for more than two years, and it still hasn't happened." She's not confident that national regulations will be issued in October, and says that until they are, "It means that part of my life just can't go forward."

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# Scots launch bid for independence

THE British Equestrian Federation (BEF) is attempting to quash the formation of a breakaway equestrian federation for Scotland.

The plans would go against the constitution of the International Equestrian Federation (FEI), according to the chairman of the BEF, Michael Bates.

The group pushing for devolution, which involves representatives from a number of Scottish equestrian organisations, claims the scheme is already at an advanced stage.

Under draft proposals drawn up at the Royal Highland Show, they aim

to "bring together all equestrian organisations in Scotland to provide a single voice to represent Scottish equestrian interests".

Possible founder members listed by the steering group include the BHS Scotland, BSJA Scotland, Trekking and Riding Society of Scotland, Scottish Endurance Riding Club and Riding for the Disabled in Scotland. Other organisations, including the Pony Club and Riding Club movement, sporting bodies and breed societies, would also be targeted.

Mr Ian Menzies, the Scottish development officer for the BHS and

spokesman for the independence steering group said that "considerable enthusiasm" had been shown for the project.

"Any organisation in Scotland who feels it could be eligible and wishes to be part of the federation should contact me," he said.

In an open letter, Michael Bates said: "Since Scotland is not a country recognised by the International Olympic Committee or the FEI, a Scottish Equestrian Federation could not be recognised by the FEI. The FEI can and will only deal with the British Equestrian Federation."



## Fire strikes Old yard

THREE racehorses were killed and at least 12 were injured, four seriously, after fire swept through the stables of Wiltshire trainer Jim Old (right) in the early hours of Sunday morning. Champion Hurdle winner Collier Bay was led unharmed to safety by his lass Emma Gawthorp.

The three horses which died were all unraced four- and five-year-olds, but Old's hurdler Backgammon, who severed a tendon and artery, was among the four animals being treated at Ridgeway Veterinary Centre in Lambourn. His career is in jeopardy.

Old, who was alerted to the fire at 12.45am by a neighbour, paid tribute to his staff, saying: "They were brilliant. But for them, more horses would have died."

On Monday afternoon, investigators were looking into the possibility of arson.



Autumn celebrations: The British Morgan Horse Society gathered to celebrate its 21st anniversary in Rotten Row, London, at the weekend

## Coping with humidity

HOW our horses and riders coped with the humidity at the Atlanta Olympic Games will be on the agenda when the Royal College of Surgeons of England meets

for the Equestrian Symposium 1996.

Other topics, including how to teach safer riding, health and safety at work in equestrian establishments and interviewing techniques, will be under discussion in London on Wednesday, 20 November.

The symposium will be chaired by Dr John Lloyd Parry. Tickets priced £60 (£40 for BHS/MEA members) from the BHS (tel: 01203 696697).

## Low-flying causes more heartache

JUST two weeks after the inquest into the death of a novice rider whose horse bolted after being spooked by a low-flying Chinook helicopter, a low-flying incident has claimed another life.

The victim this time was a 10-year-old novice event horse, Withcote Eddy, who died when he jumped into a 7ft hedge in fright as an RAF jet swooped over his field in

the village of Barkston Le Vale in the Vale of Belvoir, Leicestershire.

Owner Mrs Sue Cavenagh said that a post-mortem revealed the horse had "died of shock".

She said "Eddy", who had been evented for the last five years by Jane Scannell, was bombproof.

"Several witnesses said the jet just seemed to fly

straight at the horse. They could almost have read the numbers on the bottom of the aircraft."

Flight Lieutenant Harwood, community relations officer for RAF Cottesmore, said that the aircraft had not come from there as the base is currently closed, but he did not believe the plane had been flying below the legal limit.